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Edited by

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CONTENTS

INTRODUCTION ix

85. Mr. F. Van Langenhove (Belgium) Statement of the President of the Security Council on Discussion of the India-Pakistan Question 3

86. Provisional agenda of the Security Council meeting, held on 23 January 1948 5

87. Statement of Mr. M.C. Setalvad, Representative of India in the Security Council on Discussion of the India-Pakistan Question in Security Council meeting held on 23 January 1948 5

88. Text of the Speech of Sir Mohammed Zafrullah Khan, Representative of Pakistan in the Security Council Meeting held on 24 January 1948 74

89. Text of the Speech of Mr. Noel Baker, Representative of United Kingdom in the Security Council Meeting held on 24 January 1948 111

90. Text of the Speech of Mr. Gopalaswami Ayyangar, Representative of India in the Security Council Meeting held on 28 January 1948 117

91. Text of the Speech of Mr. Gopalaswami Ayyangar, Representative of India in the Security Council Meeting held on 29 January 1948 126

Digitized by Google
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UNIVERSITY OF CALIFORNIA

92. Continuation of the Text of the Speech of Mr. Gopalaswami Ayyangar, Representative of India in the Security Council Meeting held on 3 February 1948 139

93. Text of the Speech of Sir Mohammed Zafrullah Khan, Representative of Pakistan in the Security Council Meeting held on 4 Febuary 1948 192

94. Text of the Speech made by Mr. Sheikh Mohammad Abdullah (India) in the Security Council Meeting No. 241 held on 5 February 1948 210

95. Text of the Speech made by Mr. Gopalaswami Ayyangar (India) in the Security Council Meeting No. 242 held on 5 February 1948 226

96. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 242 held on 6 February 1948 243

97. Text of the Speech made by Mr. Noel Baker (UK) in the Security Council Meeting No. 243 held on 10 February 1948 261

98. Text of the Speech made by Mr. Gopalaswami Ayyangar (India) in the Security Council Meeting No. 243 held on 10 February 1948 262

99. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 244 held on 11 February 1948 270

100. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 244 held on 11 February 1948 297

101. Text of the Speech made by Mr. Noel Baker (UK) in the Security Council Meeting No. 244 held on 11 February 1948 299

102. Text of the Speech made by Mr. Gopalaswami Ayyangar (India) in the Security Council Meeting No. 266 held on 10 March 1948 307

Google

103. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 266 held on 10 March 1948 312

104. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 269 held on 18 March 1948 322

105. Text of the Speech made by Mr. Gopalaswami Ayyangar (India) in the Security Council No. 269 held no 18 March 1948 332

106. Text of the Speech made by Mr. Noel Baker (UK) in the Security Council Meeting No. 284 held on 17 April 1948 341

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INTRODUCTION

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947 was the result of the growth of national consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". Inspites, this anti-feudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency of 1931 awakened the national aspirations of the Kashmiris. Which ultimately helped in the emergences of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and submitted a memorandum to the Cabinet Mission of 1946 demanding

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absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir. Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India". When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people . . . the rulers of Indian states have always played traitors to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar, and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right". The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest the whole valley rose in an uprising. On 19 June 1947 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress President that people in Kashmir were grooning under the reign of terror. Mahatma Gandhi visited Kashmir in August 1947 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim communalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceeded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade and the peoples' militia to defeat the aggression of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyen

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of nationalism, succeeded in restorting Hindu-Muslim harmony in the valley when the rest of India was burning by communal holocast. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah, and the establishment of a popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 (S/628). Pakistan made counter complaint (S/646) but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government". After debate the Security Council passed two resolutions (S/651 and S/654). It appointed a three-member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts (S/1100, S/1196, and S/1430). Part first of the report contained provisions for a cease fire. Part two dealt with a true agreement, and part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 5 January 1949 dealing with the plebiscite. The cease fire came into effect by 1 January 1949 and a cease fire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The Security Council then appointed mediators. In 1949 General McNaughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite (S/1791). Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate, however, he suggested a direct negotiation between India and Pakistan. He submitted five reports (S/2375, S/2448, S/2611, S/2783 and S/2967).

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In July-August 1953 and in May 1955 the Prime Ministers of both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting any change in the new constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to acccept a plebiscite (SCOR, 12th Yr., Mtg. 761). Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. (SCOR, 12th Yr. Mtgs. 762, 793 and 794). The Security Council favoured plebiscite by adopting a resolution (S/3739) on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, (S/3821).

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced a hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non-cooperation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Mookerjee called this policy as "national liability". This non-cooperation was also supported by Jayaprakash Narayan and Acharya Kripalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion that "there was no middle course between full integration and full autonomy, and as the majority

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in Kashmir would not accept the first alternative, there was no choice but to accept the second."

Finally on midnight of 8-9 August 1953, the popularly elected leader of Kashmir was dismissed and imprisoned in a most undemocratic and unceremonious fashion by violating the special provisions made in the Article 370 of the Constitution.

On 2 December 1957 Security Council passed a resolution S/3922 after considering the Jarring report and directed P. Graham to make recommendations (S/3984) to the parties for facilitating a peaceful settlement and for the implementation of the resolutions of the UNCIP of 13 August 1948 and 5 January 1949. The Graham report was rejected by India.

During Ayub Khan's regime Nehru-Ayub talks commenced in 1959 and 1960. On 6 October 1960 President Ayub Khan gave a threat of military settlement of the Kashmir Problems. Threats and counter-threats continued till Chinese aggression on India in October 1962. Besides Pakistani slogan of *Jehad* President Ayub Khan put pressure on USA to exercise its influence for the settlement of the Kashmir issue. The matter was again raised in the Security Council on 1 February 1962 by Pakistan Permanent Representative Zafrullah Khan who asked the Council to take up the consideration of the dispute and to secure to the Kashmiri people their right of self-determination (SCOR, 17 Yr. Mtg. 990). In the subsequent meetings of the Security Council (Mtgs. 1007 to 1016) Mr. Zafrullah Khan put forward his arguments in support of Pakistan's claim over Kashmir. Mr. C.S. Jha, India's permanent representative to the UN and Defence Minister Krishna Menon contested the Pakistani contentions (SCOR, Mtg. nos. 1009, 1011 and 1016) and reiterated India's claim over the state. Pakistani contention was supported by the U.S. representative and Indian position by the Soviet and Rumanian representatives. US and British representatives on 27 April 1962 tried to persuade the UN Secretary General U Thant for negotiating settlement. The issue was again raised by Mr. Plimpton, US representative, on 21 June 1962 and on 22 June 1962 when he succeeded in pursuading the Irish representative to introduce draft resolution which was vetoed out by the Soviet Union (SCOR, 17 Yr. Mtg.

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1016). Prime Minister Jawaharlal Nehru expressed deep concern over the attitude of Great Powers—the U.S.A. and the U.K. After the Chinese invasion on India both Nehru and Ayub agreed for negotiated settlement. Six round of Bhutto—Swaran Singh talks were held between 27 December 1962 to 16 May 1963. The talks failed on the question of distribution of areas.

The disturbances in Kashmir on the disappearance of the hair of prophet Mohammad from the Hazaratbal shrine on the night of 26-27 December 1963 gave opportunity to Pakistan to raise Kashmir question in the Security Council. Though the hair was recovered, Pakistan's Minister of External Affairs, Z.A. Bhutto sent a letter to the Security Council for an urgent meeting (S/5516) to debate on grave situation of the State. Mr. Bhutto asked for a "move towards an honourable and joint solution" of the problem in Security Council's meetings held between 7 February to 11 May 1964 (Mtgs. Nos. 1087, 1089, 1104, 1112 and 1114). Refuting the charges Mr. M.C. Chagla and Mr. B.N. Chakraverti described the incident as "purely a domestic matter". (Mtg. nos. 1088, 1104, 1113 and 1115). Though Mr. Roger Seydoux, President of the Council submitted his statement on 18 May 1964 but nothing tangible came out of the debate. (SCOR, Mtg. no. 1117).

The Indian government released Sheikh Abdullah on 8 April 1964 withdrawing all charges against him. He was sent to Pakistan to resolve the issue but sudden death of Nehru on 27 May 1964 dashed all hopes. Ayub-Shastri meeting on 12 October 1964 at Karachi and J.P. Narayan's visit to Pakistan brought no change in the attitude of both the countries. Meanwhile Sheikh Abdullah was again arrested on 8 May 1965 on charge of anti-India propaganda. Sino-Pak unison persuaded Pakistan to send armed infiltration into the valley from 6 August 1965. India reacted against this attack specially in the Chhamb. The war was stopped on 22 September. Tashkent Declaration, signed on 10 January 1966 restored the *status quo* in Jammu and Kashmir as it was existed before the 5 August 1965. The Pakistan Foreign Secretary Ahmed and later on 14 January 1966 President Ayub Khan declared that peace could

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not be achieved unless the dispute over Jammu and Kashmir was settled honourably and equitably. Bhutto also blamed India for creation of the problem. Talking to the British Prime Minister Harold Wilson on 23 November 1966 Pakistani President Ayub Khan said that people of Kashmir "did not like Indian rule" and added that India did not honour the commitment under the Tashkent Declaration. Not only this while speaking before the UN General Assembly meeting on 29 September 1966 Pakistan Foreign Minister, Sharifuddin Pirzada accused India for not honouring the UNCIP resolution of 13 August 1948 and 5 January 1949 about holding of a free and impartial plebiscite (GAOR, Pen. Mtg. 1423). He also tried to raise this issue in the Commonwealth Prime Minister's meeting held in London on 13 September 1966. He charged the Indian government with reluctance to allow the Kashmiri people to exercise the right of self-determination. Even Prime Minister Mrs. Indira Gandhi gave a statement in ok Sabha that "India is not obliged by the Tashkent Declaration to settle the Kashmir dispute with Pakistan". Pakistan government started anti-India propaganda. Ayub Khan described Indian army as "special danger to Pakistan". He stressed on the solution of the Kashmir problem. On 10 October 1967 Pakistani Foreign Minister Mr. S. Pirzada raised a question in the UN General Assembly meeting (GAOR, Pln. Mt. 1584) and demanded "self-determination" for the people of Kashmir, to which India was committed. Similar demands were made by Arshad Hussain, the new foreign minister of Pakistan in the UN General Assembly meeting (GAOR. Pl. Mtg. 1682) and Pakistan's National Affairs Minister Nawabzada Muhammad Sher Ali Khan (GAOR, Plan. Mtg. 1775) on October 2, 1969. Pakistani Home Minister Sardar Hamid accused India for avoiding discussions in the United Nations (GAOR, Pln. Mtg. 1853) on 29 September 1970. Meanwhile, Pakistani press, specially *Pakistan Times* and *Dawn* made vehement propaganda against India. "That India is suppressing freedom of the press in occupied Kashmir and adopting ruthless measures in curbing the students and youth". Kashmiris' are treated as second class citizens. Pakistan supported the terrorists in Kashmir.

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A hand grenade was thrown on the Kashmir Chief Minister, G.M. Sadiq on 16 May 1966. Terrorists confessed that they were imparted training by Pakistani officers. The subversive activities of the Pakistani infilterators continued till date. The cease-fire violations took place frequently. Both India and Pakistan accused each other for violation of cease-fire agreement. In short Kashmir remained full disturbed between 1966 and 1969.

Pakistan protested strongly against India's measures to extend the application of Indian laws to Kashmir and described these contrary to the UNCIP and other resolutions of the United Nations. These bills, according to Pakistan, would gave sweeping powers to the Indian Government to outlaw any organisation or any individual found guilty of questioning the India's sovereignty over any of the territories.

On 11 January 1968 Prime Minister Mrs. Indira Gandhi and Deputy Prime Minister, Morarji Desai desired to normalise relations with Pakistan by implementation of Tashkent Agreement but Pakistan did not respond favourably. Pakistan was insisting on "meaningful discussions on Kashmir". India's appeal to Pakistan for 'no-war pact' was turned down by Ayub Khan who described this proposal as "misleading" unless Kashmir dispute was solved. During the time Sheikh Abdullah and Mirza Afzal Beg were released from Jail on 3 January 1968. They demanded self determination for the Kashmiris. The hostile and anti-India attitude of Sheikh Abdullah put India in embrassing situation.

General A.M. Yahya Khan who assumed the charge from President Ayub Khan on 25 March 1969 showed his willigness for sometime to establish a peaceful atmosphere between the two countries. Mrs. Indira Gandhi sent a personal letter to Mr. Khan on 22 June 1969 and suggested to revive the no-war pact proposal and a joint machinery to examine comprehensively all aspects of normalisation of relations. General Yahya Khan accepted the proposal with provision that the machinery of Indo-Pakistani body should discuss all issues including Kashmir and Farakka barrage. But after the exchange of letters between the two governments, no follow-up actions

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could be taken up by either of the governments. Instead Presidents Yahya Khan banned all the exchange of printed materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approach for the solution. Ashohar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising war bogy against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India-Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plan was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of 1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Hag, Prime Minister Benazir Bhutto, Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Doccuments on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications

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of the Government of India and Pakistan, United Nations official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly and Parliamentary debates—reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue. Compilers have made an honest attempt to be objective and impartial in compiling, editing, and presenting the documents to prove their authenticity, the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library, New Delhi for the help rendered to us during our visits there.

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Discussion of the India-Pakistan Question in the Security Council

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85. *Mr. F. Van Langenhove (Belgium)*
Statement of the President of the Security Council on Discussion of the India-Pakistan Question

I have a brief statement to make.

Since our last meeting, the representative of India, the representative of Pakistan and I have been continuing our consultations. In the course of these the following points were raised:

1. The object of the investigation to be undertaken by the Commission set up under the resolution of 20 January 1948;
2. The measures to be taken with a view to putting an end to the acts of hostility and violence which are taking place in the State of Jammu and Kashmir, taking due account of the participation of both indigenous and foreign elements;
3. The organization of a plebiscite, the principle of which is agreed to by both parties, with a view to deciding the future of the State of Jammu and Kashmir;
4. The conditions under which such a plebiscite might be organized under the authority of the Security Council, so as to ensure a free and impartial consultation of the population of the State of Jammu and Kashmir.

I convened the Council today in the first instance because of the desire expressed by the representative of India to make a statement in reply to that of the representative of Pakistan of 16 and 17 January; and secondly, because of the letter dated 20 January which I received from the representative of Pakistan, the text of which has been placed before the members of the Council.

Before opening the debate, I think it will be useful if I explain the present situation and summarize briefly the progress achieved so far.

To begin with, there is our resolution of 17 January [*document S/651, 229th meeting*], in which the Security Council calls

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upon the Governments of India and of Pakistan to take immediately all measures within their power calculated to improve the situation, and to refrain from any acts which might aggravate it, and also asks both Governments to inform the Council of any material changes in the situation.

In the second place, there is the resolution of 20 January, by which the Council appoints a Commission to proceed to the spot as quickly as possible, investigate the facts of the case, exercise, without interrupting the work of the Council, a mediatory influence and carry out the directions given to it by the Council.

Thirdly, both parties in their introductory memoranda have stressed the urgent nature of the situation. The Council took note of that fact in its resolutions of 17 and 20 January.

Fourthly, the United States representative asked me at our 230th meeting on 20 January whether, following the adoption of the second resolution, the conversations between the parties would continue under the aegis of the President of the Council, and I replied that I believe I was interpreting the intentions of the representatives of India and Pakistan correctly when I said that both of them recognized the desirability of pursuing their conversations without interruption with a view to working out a basis for a settlement. My statement was not contradicted. Furthermore, the resolution of 20 January makes it clear that the functions of the Security Council Commission will be pursued without interrupting the work of the Council.

Fifthly, both parties have admitted in principle that the future of the State of Jammu and Kashmir should be decided by plebiscite. The communication from the Government of India to the President of the Council, dated 1 January, states that in the final analysis the people will be free to decide their future by the recognized democratic method of a plebiscite or referendum, which might be held under international auspices in order to ensure its complete impartiality. That declaration was confirmed in a statement by the representative of India on 15 January before the Council [*227th meeting*]. The same principle may be noted in the Pakistan representative's communication of 15 January to the Secretary-General.

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Such is the basis upon which the Security Council is to carry out the mission invested in it by the Charter in the matter that has been brought before it.

I am informed that the statement the representative of India wishes to make will take some time—about two hours. On the other hand, the desire has been expressed that this meeting should not go on after 6 p.m. Under the circumstances, in order to avoid interrupting the speech of the representative of India, I wonder if it would not be better if his statement were deferred until our next meeting. If so we have to fix the date and time of that meeting.

The Security Council is to convene tomorrow morning to deal with another matter on its agenda. Tomorrow afternoon is free; the Council might therefore devote the afternoon to the continuation of this debate, which would begin with the statement of the representative of India.

(SCOR, 3rd Year, Mtg. No. 231, pp. 164-166)

86. *Provisional agenda of the Security Council meeting, held on 23 January 1948*

2. India-Pakistan question:

(a) Letter dated 1 January 1948 from the representative of India addressed to the President of the Security Council concerning the situation in Jammu and Kashmir (document S/628).

(b) Letter dated 15 January 1948 from the Minister for Foreign Affairs of Pakistan addressed to the Secretary-General concerning the situation in Jammu and Kashmir (document S/646).

(c) Letter dated 20 January 1948 from the Minister for Foreign Affairs of Pakistan addressed to the President of the Security Council (document S/655).

87. *Statement of Mr. M.C. Setalvad, Representative of India in the Security Council on Discussion of the India-Pakistan Question in Security Council meeting held on 23 January 1948*

The speech which was made on 16 and 17 January [*228th and*

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229th meetings] by the representative of Pakistan, extending over five hours, has, I am informed, established a time record in the annals of the Security Council and of the United Nations. I have and can have no quarrel with the length of his speech. The speech has, I think, also established a record for the calculated venom of its attack on India, for the irrelevancy of much of its contents to the subject under debate, for the deliberate omission of relevant matters; and for its clever distortion of facts.

What I do deeply regret and deplore is that the representative of a neighbouring State with which we wish to live on terms of peace and friendship should have permitted himself to lavish numerous grave accusations against my Government, accusations many of which are not only untrue in fact, but some of which I feel the representative of Pakistan himself could not have believed to be true.

On behalf of my Government I must emphatically repudiate these charges. These false accusations have been made in the hope of obscuring the real issue on which the Government of Pakistan has no effective answer. The difficulties of the representative of Pakistan in meeting the case of my Government on the main issue can, however, furnish no excuse for a statement full of the most offensive allegations based, as I hope to point out, on a perverse and distorted presentation of facts.

It has been stated that my Government has been a party to a well-laid plan for the extermination of Muslims in India, and it has been suggested that the religion and culture of over 35 million Muslims within the Union of India are in danger. I am sure that some, at any rate, if not all, of the members of the Security Council are aware of the approximate number and distribution of the Muslim population in the Indian Union.

We have in the India of today over 35 million Muslims distributed in varying proportions all over the country. Their proportion in the southern provinces—Bombay, Madras and the Central Provinces—is smaller than in the Provinces of West Bengal and the United Provinces, and the districts round about Delhi. Large masses of these 35 million Muslims, even though small minorities, have lived and are living a normal and

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peaceful life, undisturbed and unmolested, all over these Provinces of the Indian Union. Is not this single fact sufficient to prove that the allegation that the Government of the Indian Union is out to exterminate Muslims is a deliberate and gross distortion of the truth?

It is equally important to note that while there has been a large movement of populations between certain provinces of India and Pakistan, from West Punjab and the North West Frontier Province to East Punjab and in the opposite direction, there has been hardly any movement of Muslims from other parts of the Indian Union. These Muslims in other parts of the country, agriculturists and men in trade and business, continue to live peacefully and undisturbed in the Indian Union. Eminent Muslims occupy positions of honour and importance in the judiciary and other public services of India, and in its diplomatic personnel abroad. The very important Indian Embassy at Washington is manned by a Muslim. A Muslim again has been appointed Ambassador to Egypt; another has been appointed Charge d'Affaires to Belgium. Our representative nearer home in Burma is also a Muslim. The Governor of one of the provinces in India is a Muslim. The Indian Cabinet includes two Muslim members.

In the face of all these glaring facts, I submit that the accusation against my Government of a planned extermination of Muslims, or of its having been guilty of assisting in such a plan, is preposterous and does not deserve serious notice. However, at the proper stage it will be my duty to deal in detail with the facts on which an attempt has been made to base the accusation.

This accusation comes from a Government which has failed woefully to discharge its responsibility to the minority in its territory. The representative of Pakistan has deliberately ignored happenings in Pakistan which, as I hope to point out in the proper context, are the real cause of most of the unfortunate happenings in the Indian Union. Before the partition of the country into two Dominions, the territory now constituting West Punjab had a large Hindu and Sikh population. There was also a substantial non-Muslim population

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in the North West Frontier Province and Baluchistan. In effect, by reason of the atrocities perpetrated in West Punjab and other places, nearly the whole of the non-Muslim population, excepting persons forcibly converted to Islam and abducted women, have left these areas of West Pakistan. The position in Sind is that nearly one-third of the non-Muslim population has already come away, and a large number of non-Muslims are awaiting transport for the purpose of leaving Sind.

While a part of this migration of non-Muslims is even now taking place from West Pakistan, the movement of Muslims from India into West Pakistan has practically come to a stop. And this situation is not confined to West Pakistan. There has recently been a continuous migration of non-Muslims from East Bengal into West Bengal while there is no such migration of Muslims from West Bengal into East Bengal. What I wish to direct attention to is the necessary inference, namely, that the overwhelming body of Muslims in the Indian Union are feeling quite secure in Indian territory and do not desire to move away from it. Even in the Punjab, while in East Punjab about 150,000 to 200,000 Muslims still continue to stay in their homes, for example in the Gurgaon District, there are hardly any non-Muslims left in West Punjab, the North West Frontier Province or Baluchistan.

In view of these facts, could it be suggested that there is the slightest foundation for the accusation made against my Government that it has a desire, much less a plan, to exterminate the Muslims? On the other hand, the definite and proclaimed policy of the Government of India, of Mahatma Gandhi and of the All-India Congress Committee, is actively to discourage the migration of any more Muslims from India and to create the conditions for giving confidence to those Muslims who have migrated but who wish to return to their homes.

As recently as 6 January 1948, there was news from Karachi of a massacre of Sikhs and the most extensive looting of their property. I shall go into details at a later stage. On 12 January there was an attack on a non-Muslim refugee train coming from Bannu, in the North West Frontier Province, at the Gujarat Station situated in West Punjab. According to a dispatch by

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Mr. Colin Reed to the London *Daily Telegraph*, 1,300 refugees were massacred, 150 were wounded and 400 are missing. The total number of refugees in the train was about 3,000 and, according to our information, the 400 missing passengers include 300 women who were kidnapped. A military escort of Indian Union troops accompanying the train was almost wholly destroyed. Tribesmen who have a concentration at Gujarat and local Muslims participated in the attack on the train. I ask the members of the Council to contrast the tranquillity which now prevails in the territory of the Indian Union with the spirit of lawlessness, murder and massacre rampant even today in West Punjab and Sind, evidenced by the two occurrences which I have mentioned. If I were minded to follow the example of the representative of Pakistan, I would rely on these occurrences as evidence of a plan by the Pakistan Government to exterminate non-Muslims. I do nothing of the kind. I do not wish to emulate him in making fantastic and unsupportable accusations.

The root cause of these massacres and killings, and of other brutal, unmentionable crimes, is to be found in the continual preaching of hatred of one community by Muslim leaders for a number of years. This reprehensible propaganda was essential to and inseparable from the ideology on which the Muslim League founded itself. The Muslim masses have been continually fed and nurtured on this doctrine of hatred, and their fanaticism has been excited by cries of Muslim religion and culture being endangered.

It was inevitable in these circumstances that mass disorder should break out. It began with an orgy of killing and detestable crime in Calcutta by the Muslims, and resulted in a equally violent retaliation by the Sikhs and non-Muslims in Calcutta. This was in August 1946. Since then this story has repeated itself in various parts of Bengal, Bihar, the Punjab and elsewhere, but it would be only right to say that in broad outline the fury and disorder was, to begin with, let loose by the Muslims. It would also be correct to say that in some cases the murder, looting, arson and other crimes committed by

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Muslims were acquiesced in, if not encouraged, by some Muslims in high authority.

These crimes led to an influx of large masses of the population from Muslim majority areas into non-Muslim areas. These refugees brought with them tales of the horror and woe they had suffered. The result was an excitement among the non-Muslim population in the places in which the refugees had arrived. This excitement gave rise to a desire to exact retribution and to retaliate on the Muslim population in their midst. Thus arose from time to time the retribution and retaliation leading to crimes, equally heinous and obnoxious, against Muslims by non-Muslims in various parts of the territories I have mentioned.

These crimes in their turn led the Muslim population in the affected areas to go to Muslim majority areas, so that there was a stream of these Muslim refugees fleeing from East Punjab, Delhi and some other places towards West Punjab and Sind. It has not been possible to estimate the very large number killed in these various happenings, so great and varied have been these outrages in some parts of the country. Some estimates of the population which has migrated from either side of the border to the other side have been about 5 million. That is the true picture of these killings, of the refugees and of the transfer of population.

These events have been the result of mass incitement and mass frenzy. It is obvious that, with feelings of this nature pervading large masses of the population, it was inevitable that the forces of law and order should also be affected. These feelings naturally affected the minds of the police and military of either community, and it was found that these forces of law and order failed to do their duty to preserve it. However, notwithstanding this attitude and conduct of the forces of law and order, in our submission it is fantastic to attribute these events to a preconceived plan of destruction or of driving away parts of their populations by either Government. Yes, there was connivance and encouragement by some provincial governments of these happenings. Such connivance and encouragement can be demonstrated to exist in events at

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Calcutta, where the Muslim League Government was in power and also in Lahore, in West Punjab.

There has been a great deal said about genocide in the document submitted on behalf of Pakistan [*document S/646*] and my friend on the other side has said something about it. I have already pointed out the fantastic nature and, indeed, the absurdity of a suggestion of this kind. Only a few days ago Mahatma Gandhi started a fast in order that harmony might be restored between Hindus and Sikhs, on the one hand, and Muslims on the other, principally in Delhi and the area surrounding it. Aged and frail as he is, he risked his life for the purpose of bringing home to the Hindus and Sikhs in the area mentioned the necessity of living in peace and brotherhood with Muslims. Happily, he succeeded and was able to obtain their assent to the seven points to which he wished them to agree. Can it be seriously suggested that the Government of India, which acknowledges the leadership of Mahatma Gandhi, could ever plan, or adopt as a policy, the extermination of the Muslims? I repeat that this theory of genocide, so fantastically put forward, is not worthy of serious consideration.

The true responsibility, as I have already stated, for these most unfortunate occurrences which led to the loss of so many lives and such detestable crime, lies on the heads of those who, in order to further their policies, deliberately preached all over the country the doctrine of communal hatred—some of whom now occupy responsible positions in the Government of Pakistan.

In our view, the story of these happenings all over India, the events in East Punjab and the East Punjab States, and the detailed accounts of them to which the representative of Pakistan has referred, are totally irrelevant to the issue now existing between India and Pakistan in regard to Jammu and Kashmir. It has been alleged that these events form a background to the situation and that this situation can only be understood in the light of the background which the representative of Pakistan has tried to depict. That is again a suggestion which we cannot accept.

We submit that these events and the causes which led to them are altogether beside the point. We say that they have

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been introduced into the answer filed on behalf of the Government of Pakistan and into the speech delivered by its representative merely in order to confuse what we regard as a very clear issue. That issue, broadly speaking, is whether in reference to the invasion of the State of Jammu and Kashmir by the tribesmen and others, Pakistan has failed to discharge its obligations as a friendly neighbouring State to India in the manner which we have alleged. We submit that no light can be thrown on that issue by examining the various matters constituting the background which have been adverted to by the other side. Indeed, we feel that we should be confusing the issue and making its position more difficult if we went into those matters. However, as these matters have been gone into, it will be my duty to deal with them in detail. I assure the Council that my Government has nothing to conceal in these matters, and I hope to satisfy the Security Council in this respect in due course.

It is surprising that the representative of Pakistan, in his anxiety to find support for his allegations, should have been driven to rely on untrue and unauthenticated reports. The Security Council will remember how he referred to the murder by Dogra troops of Brigadier Khoda Bux, the only Muslim brigadier in the Kashmir Army. An Associated Press report, which is dated 31 October, revealed that Brigadier Khoda Bux, the garrison commander of Jammu, who was the only Muslim brigadier in the Kashmir Army, had been murdered by the Dogra troops in Jammu. I am sure that the Security Council will be greatly surprised to learn that not only has the gallant brigadier not been murdered, but also that he is at the moment occupying the position of Chief of State of the Kashmir State forces.

I shall give the members of the Council another example of how the representative of Pakistan has not hesitated to distort facts. He stated the other day that India had sent a duplicate copy of its appeal to the Security Council (*document S/628*) to the Pakistan Government by cable in a cipher to which the Government of India knew the Pakistan Government did not possess the key.

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On 31 December 1947 the Government of India dispatched its complaint to the Security Council, the text of which was sent to the Government of Pakistan on the same day. On the same day, again, we repeated to Pakistan the text of our complaint. On 1 January 1948 we received a telegram from Pakistan reporting that our message was undecipherable. Thereupon we dispatched to Pakistan a message repeating the text of our complaint to the Security Council. On 2 January 1948 we again received a message from Pakistan that its Government could not work our messages in the automatic decoding machine called "Publex". Thereupon we sent, on 3 January, very detailed information in regard to the working of "Publex" messages. On 4 January we received a message from the Pakistan Government to the following affect—this message is dated 3 January from Karachi: "Please cancel our telegram No. 19 of date. We have deciphered telegram. Regret inconvenience."

These facts should have been known, I submit, to the representative of Pakistan. His inference that my Government sent a cable to the Pakistan Government, knowing that the Pakistan Government could not decipher such a cable, was most unjustified.

This, in itself, is a matter of small moment, but I mentioned it. It is typical of many such inaccurate statements made on behalf of the Government of Pakistan. It has been put before the Council, in our submission, as a wholly distorted picture, which has been subtly supported by facts inaccurately stated.

The one issue, and the prime issue, before the Council is the issue relating to the invasion of Kashmir. Our contention is, putting it again very broadly, that Pakistan has, as a neighbouring peaceful State, failed to discharge its duties inasmuch as it has permitted transit to these invaders through its territory; or, to use the expression which has been used here, it has permitted warlike passage to these invaders through its territory. And we say further that Pakistan has rendered these invaders direct and indirect assistance. Putting it very briefly, that is the main issue before the Security Council.

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Before I pass on to the various other matters to which I have very briefly adverted, I wish to make a further comment on the main issue. I submit that there is a clear presentation of facts which lead us inevitably to the inference that Pakistan has no answer to the charge which we have made against it, the charge in regard to the invasion of the province of Jammu and Kashmir. In the first place, the existence of a large body of tribesmen in Kashmir is not and cannot be denied. We have reports as recent as 11 January 1948 which put the figure at as many as 60,000 tribesmen.

I draw the attention of the Security Council to a dispatch by Douglas Brown published in the London *Daily Telegraph*. I I shall read the following passage:

> "The tribal leaders claimed that there were 60,000 Pathans always fighting in Kashmir, each man fighting for about a month at a time. They said they used all routes, but owing to Pakistan's lack of co-operation, found it best to cross the State of Swat. The casualties so far have been about 400 dead and 250 wounded."

That is the material part of the passage. I read it in order to make the following submission—that as many as 60,000 tribesmen are in Kashmir territory. What is more, not only are they there, but they are being constantly reinforced, so that the tribesmen who go there are there for about a month, and then are replaced by others who also get into Kashmir.

I wish to draw attention to what I may term the inescapable fact resulting from the geographical position of Kashmir *vis-a-vis* Pakistan. Is it possible for those 60,000 tribesmen to be there and to be maintained as a fighting force, as they are, without the willing co-operation of Pakistan for the passage of these people to and fro through Pakistan? One has only to look at the map to see that it is inconceivable that these large hordes of tribesmen should be able to pass through Pakistan territory without—I shall put it in the mildest way—the co-operation of the Pakistan Government. If one looks at the map, one finds that they have had to travel at least 100 miles through Pakistan territory to get into Kashmir.

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I put the following question to the members of the Council, as men representing responsible Governments and as men of affairs who understand these matters: Is it conceivable that these large forces or hordes of tribesmen could go through Pakistan territory in this manner, and be maintained in Kashmir, without the co-operation of the State of Pakistan? That is really a simple issue, and the only conclusion which one can draw about it is inescapable by reason of the geographical considerations to which I have already referred.

However, the matter does not merely rest there. We have recently received news of tribesmen who were actually on their way to Kashmir, or had come into West Punjab with the purpose of going to Kashmir, being found in Lahore, which is, as some of the members of the Council are certainly aware, the capital of the Province of West Punjab in Pakistan. I have a telegram from London which reproduces the information which the Lahore correspondent of *The Times* of London submitted under the heading "Armed tribesmen in Lahore: Dances on hotel lawn." This is a telegram which we have received, and it is dated 22 January 1948. I am not able to state to the Security Council the exact date it was published in *The Times* of London because it does not appear in the telegram. The telegram reads as follows:

> "An armed band has reached Lahore, nearly 300 miles from the entrance to the Khyber Pass. It is quartered within 100 yards of the West Punjab Assembly in an old hotel originally requisitioned by the Provincial Government for refugee relief headquarters. The men of the Suleiman Khel and Shinwari tribes are behaving with their usual abandon and disregard for conventions. Tribal dances are now being held on the lawn of the hotel, and drum beats throb down the Mall.
>
> "In spite of a recent local ordinance prohibiting the bearing of arms, every man is carrying a rifle, the firing of which appears to express his appreciation of the dances. So far, these 'joy-shots' have not reminded the police of their duty.

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"Later today, they danced through the streets in a big farewell to some of their comrades who were leaving for Jammu. Before Queen Victoria's statue in Charing Cross, they paused, still dancing. They appeared to be in a happy mood, but, as the procession proceeded down the Mall, the tempo of the drums quickened and a fusillade of rifle shots stampeded some horses and a small camel caravan."

That is the situation in Lahore. The inference, we submit, is obvious. Not only in the distant borderland between the North West Frontier Province and the tribal areas the tribesmen trickling through in the very graphic manner in which my learned friend described them—"scampering down the hills like goats"—but they also come in well organized bands right through the capital of West Punjab. There, they are very hospitably received. Police regulations are suspended. They are allowed to do what they like. And it is while living there that they bid farewell to their brethren, some of them going to fight in Jammu.

That is what the telegram says, but the matter does not rest there. Some United States newspapers actually carried photographs of tribesmen being organized in Pakistan territory. I shall not weary the members of the Council with a great number of photographs, but I do wish to mention one which appeared in *Life* magazine on 5 January 1948. On page 16 of that issue, Muslim tribesmen are pictured shouldering rifles and cartridge belts to board unofficial truck convoys for the Kashmir front. Therefore photographic evidence is actually at hand of these tribesmen being openly convoyed in what are called "unofficial" trucks through Pakistan territory. I submit that this is very strong evidence in support of the submission which we have made in our complaint to the Security Council.

What has been Pakistan's answer? Frankly, we have found it somewhat difficult to understand Pakistan's answer, because in our view it has been somewhat inconsistent. It has been said: "We have done everything short of war to prevent the tribesmen from coming through our territory." That is one answer. Additional answers have been given by my friend on

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the other side of the table: "We have a long boundary, and it is difficult to control the tribesmen. They come down in the wintertime to do their marketing and occupy themselves." It has also been said: "The tribesmen have been coming in that manner through the border all these years."

I wish to make the important observation that until 15 August, the United Kingdom was in charge of the frontier, and tribesmen did come down every year, some few of them for certain purposes. Was there ever such an influx of tribesmen when the United Kingdom was guarding the frontier, as we have witnessed on this occasion? Were these armed men allowed to come down not only into West Punjab but also into the neighbouring State of Jammu and Kashmir, as happened on this occasion? I understand that the practice was always that outposts were maintained and that when these tribesmen came, they were allowed to go into this territory, their arms being taken away for the time being for the purpose of preventing them from doing mischief in the territory. We understand that such military outposts as were located in the frontier territory or near it in northern Pakistan have been withdrawn. We know not for what reasons they have been withdrawn, but the explanation advanced is that the tribesmen are friendly. However, we do not know the reason.

Is it too much to suggest, under the circumtances that have transpired, that this deliberate withdrawal of military outposts which existed through all these years has been resorted to for the purpose of conniving at the entry of these tribesmen into Pakistan territory so that they will be accorded a free and comfortable passage into Kashmir? As I have already stated, we do not know, but we do suggest this as the motive behind the withdrawal of outposts.

Pakistan's answer is that it has done everything short of war to prevent this warlike passage through its territory; but has the Security Council been furnished any substantial or tangible evidence of any attempts by Pakistan to prevent the passage of these tribesmen? I submit most respectfully that no such evidence has been produced here. On the contrary, there is evidence to show that, far from discouraging or even trying

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to prevent the transit of the tribesmen, incitement and encouragement is being afforded them.

Stories have recently appeared in the newspapers of the visits of the Prime Minister of Pakistan to these tribal areas, and it has been suggested that these visits were made with a view to prevailing upon the tribesmen to abstain from entering Pakistan territory and passing into Jammu and Kashmir territory. What are the true facts in that connexion? Here again I draw attention to a comment made by the special representative of *The Statesman* a British-owned newspaper which is published at Delhi and Calcutta. The comment reads: "Strength of complaint by tribesmen of arrests in Pakistan of those persisting in their journey to Kashmir raises suspicion of propaganda. It is difficult to align these complaints with presence of many hundred armed Pathans, which I saw myself on Pakistan border of District of Jammu, and undoubted presence at least of several thousand tribesmen on *Azad* front in Kashmir." In other words, what has been resorted to is not really for the purpose of preventing or persuading even the tribesmen to desist from what they are doing. There is, if the correspondent's view is correct, on the one hand, a show of persuasion; there is, on the other hand, co-operation or connivance, at any rate, in the passage of these people through Pakistan territory.

We have also a report of statements made by the Prime Minister of Pakistan on his visit to Peshawar in a speech delivered on 15 January. This is what he is reported to have said in that speech: "The Indian Government were determined to bring Kashmir into their fold by sheer weight of arms, which Muslims would never tolerate. Their action contrasted most unfavourably with Pakistan's restraint in not sending troops to Junagadh." He went on further to say that "the tribesmen would be treated in all respects as citizens of Pakistan."

Proceeding on the assumption, which I do, that this report is a correct one, here is the Prime Minister of Pakistan stating that these tribesmen are to be treated in all respects as citizens of Pakistan. Comment on a statement of that kind is needless. It would result in the necessary inference that these tribesmen, treated as Pakistan nationals, are allowed to go in thousands

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into the State of Jammu and Kashmir with a view to what they are doing there.

After what I have submitted to the Security Council, particularly in regard to this part, I submit that the inference is irresistible that Pakistan is deliberately co-operating with these masses of tribesmen who have gone into Jammu and Kashmir.

In this connexion it has been mentioned by my delegation that there are bases actually in Pakistan territory for the use of these tribesmen. In that connexion I shall draw attention to an extract from a memorandum dated 12 December 1947 from Lieutenant Colonel Douglas Leeper, O.B.E., to the Chief Secretary of the North West Frontier Government. The extract from the memorandum reads: "There is, however, another factor which we are bound to take into consideration, and that is that recently we had in Parachinar"—that is a part of the North West Frontier Province—"almost permanently, *lashkars*[1] of well-armed men, mostly of Khans, on their way to Kashmir. The numbers sometimes fall to less than 1,000; on one day we reached the maximum of 5,000."

That statement in a letter by a responsible officer of the Government of the North West Frontier Province indicates and establishes the existence of a base which has in it tribesmen varying in number from 1,000 to 5,000 at a place called Parachinar. Could there be any clearer documentary evidence of the existence of these bases which we allege exist in the State of Pakistan for the use of these tribesmen?

Speaking very broadly again, if what I have placed before the Security Council is sufficient—and I say it is—to lead certainly to the inference that Pakistan is co-operating with the tribesmen, I submit that Pakistan clearly has committed a breach of its international obligations.

May I put the position in this way. 'Pakistan protests that it is anxious to discharge its international obligations, but that it is unable to keep these tribesmen from going into Jammu and Kashmir. That is, as I am sure the members of the Security Council are well aware, no answer. A State cannot say that it is unable to restrain warlike passage through its territory to others, and permit an invasion of a neighbouring State.

1. Armed forces.

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But let us suppose for a moment—I do not admit it—that Pakistan was right in the view it has put forth. Surely, then, the remedy is very simple. Pakistan should openly state, "We are unable to keep the tribesmen away. Either assist us in keeping them away, or we shall have to adopt some other method of doing this." If Pakistan's contention is a true one, that, I submit, is the straight and direct answer which it should give. As we have already stated more than once, if that is the true situation, we are quite willing to co-operate with Pakistan to get rid of these tribes. It would raise no difficulty at all so far as our Government is concerned. But it will not do, I submit, for a friendly neighbouring Government to state, as Pakistan seems to, that it is unable to deal with the tribesmen, and at the same time permit nothing to be done to deal with those tribesmen.

That is the short position in regard to the broad issue. I submit that those who know affairs of state can really and clearly appreciate this position. Could any of the States tolerate a situation of this kind in its territory? Let us suppose that any one of the States represented on the Security Council was invaded by these large forces in this organized manner. Would it be an answer, I ask the members of the Security Council to consider—and I am not speaking from the legal point of view, but from the broad political point of view—for a neighbouring State to say, "We are not able to prevent it, and we shall not let anyone else do it." That is the position which, with respect, I ask Security Council to consider deeply.

Leaving that point aside for the moment, I turn to a statement made more than once on behalf of the Government of Pakistan, namely, that this army which has entered the State of Jammu and Kashmir is what it calls an army of liberation. Before I take up that point, let us assume that it is an army of liberation, which in fact it is not. However, let us assume that it is. Would that be any answer on behalf of the Pakistan Government to the issue raised? With respect, I submit it is no answer.

Suppose that in a State there is a revolution or an insurrection. Does that justify—and again I call upon the Security

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Council to consider this point—a neighbouring State in co-operating with the invaders from beyond its borders who are going into the State in which the revolt or insurrection is taking place?

Assuming that there is something to be liberated in Jammu and Kashmir, which of course we say is not true, I submit that, even so, the attitude taken by the Government of Pakistan is not justified.

But, undoubtedly, the question for the consideration of the Security Council, in its large context, is: Is this an army of liberation? I admit that it is an army; it is not a mere band of raiders. It is a trained, equipped army, equipped with mortar arms and by officers. It is an army, not of liberation, but an army which has dealt death and destruction to Sikhs, Hindus and Muslims alike, indulging in loot, arson, and abduction of women. What this army has done in Jammu and Kashmir, is, I submit, a very powerful indication of the fact that it has not come there to help the people of Jammu and Kashmir in any fight which they may be conducting against those who ruled them. The army is there for the purpose of loot, and in what it has done it has not differentiated among Muslim, Hindu or Sikh. In this connexion, the Security Council will recollect that a very large percentage of the population of Jammu and Kashmir is Muslim. If you take the State, by and large, it is 78 per cent Muslim; the percentage is less in Jammu. In certain parts, proportion of Muslims to non-Muslims is much more.

There is plenty of evidence as to what this "army of liberation" did in the territory of Jammu and Kashmir, evidence supplied by outside observers who tell in graphic language what was done. I shall first call attention to a dispatch in the London *Daily Express* by one Mr. Sydney Smith. It is dated 10 November 1947. The heading reads: "Grim Story of Looting, Arson and Massacre; Ordeal of Seventy-five looked in Hospital Ward." The story reads: "Heart-rending details of the ordeal of seventy-five men, women and children in St. Joseph's Convent, Baramula, as Frontier tribesmen burned and looted the neighbourhood, are given by Sydney Smith, ace

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reporter of the London *Daily Express*, who is covering the fight in Kashmir."

I shall not burden the members of the Security Council with giving the details of what they did in the Convent. These details have already been partly mentioned in the statement submitted in behalf of my Government, and I do not wish to repeat them. But the point is that this is what has been called "the Army of Liberation."

I refer the members of the Security Council to *The Statesman*, the British-owned newspaper which I mentioned a little while ago, dated 11 November 1947. This is what is stated by the special correspondent:

> "Following the heels of the Indian troops which occupied Baramula on Saturday,"—that is a place about thirty to forty miles away from Srinagar, in the Kashmir Valley—"I visited the ransacked town today. Entering it in company with Bakshi Ghulam Mohammad was an experience. Twelve persons who met us at the entrance soon swelled into a crowd of one thousand. They were the remnants of a town of 14,000 which, fourteen days ago, was occupied by invaders. All others had fled to the top of the adjoining mountains.... The army yesterday, marched into an almost deserted town. Its shops were open but empty. The tribesmen, it is no exaggeration to say, have stripped the town clean. Mohammed Abdullah, a rich cloth merchant"—that is the name of a Muslim—"took me to his house. It stood on the main street and was Baramula's most imposing three-storied building. Every room of it was completely bare. Abdullah said: 'They have robbed me of 45,000 rupees in cash, all my jewelry, utensils, clothes and carpets. They visited my house six times. Each time they took what they could, until there was nothing left to rob'....A Muslin labourer said: 'There is no woman in the town whose earrings and bangles have not been stolen. They visited every house and looted it. They have robbed me of my quilts.' "

That is the army which, it is suggested, came into Kashmir and Jammu for the liberation of the Muslims of Kashmir.

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I refer the members of the Security Council to a dispatch by Robert Trumbull to the *New York Times*, dated 10 November 1947. This is what it says:

"Baramula, India, 10 November: The town had been stripped of its wealth and young women before the tribesmen fled in terror, at midnight Friday, before the advancing Indian Army. Surviving residents estimate that 3,000 of their fellow townsmen, including four Europeans and a retired British Army officer, known only as Colonel Dykes, and his pregnant wife, were slain. When the raiders rushed into town on 26 October, witnesses said: 'One party of Masud tribesmen immediately scaled the walls of Saint Joseph's Franciscan Convent compound, and stormed the Convent Hospital and the little church. Four nuns and Colonel Dykes and his wife were shot immediately. The raiders' greed triumphed over their blood lust'. A former town official said: 'The raiders forced 350 local Hindus into a house, with the intention of burning it down. The group of 100 raiders is said to be holding another five, as hostages, on a high mountain, barely visible from the town'. Today, twenty-four hours after the Indian Army entered Baramula, only 1,000 were left of a normal population of about 14,000."

The *Chicago Daily Tribune* of 3 November 1947, has this news: "Max Desfor, an Associated Press photographer, said today he saw more than twenty villages in flames while flying over a section of the Kashmir Valley extending within twenty miles of the capital. The villages, in an area ten miles long and ten miles wide, apparently had been set fire by the Muslim invaders who are scouring the Valley and moving in the direction of Srinagar."

We have a dispatch from the *Times of India* of 13 November which states:

"Baramula, after thirteen days in the raiders' hands, resembled an orchard after the visitation of a swarm of locusts, reported the *Times of India* special representative in Baramula.... The tribal raiders had sacked the town, looted

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and burned property, and killed inhabitants who came their way. Prisoners, captured from among the raiders, reported that 280 trucks, loaded with loot, had been sent across the frontier by the raiders. They stated that they had joined in response to appeals by Abdul Khayun Khan, Premier of the North West Frontier Province."

Entering Baramula, in a convoy headed by Major-General Kaivant, the correspondent found the road lined with cheering crowds of Muslims, Sikhs and Hindus, men, women and children cheering and sobbing. Pausing there, may I state that that is far from their being a liberating army. It was the Indian Army, which reached them a few days later and succoured the inhabitants that were left, which was welcomed as a liberating army not only by the Sikhs and the Hindus, but by cheering crowds of Muslims.

The correspondant goes on to say: "Many of them rushed in and embraced us with tears trickling down their cheeks and told us of the days of horror they had spent in the town."

I would refer you also to *People's Age*, a newspaper on which the Prime Minister of Pakistan seems to set some store. The issue I refer to is dated 30 November 1947. This is what it states under the heading of "The Hand of Pakistan":

"We enter Baramula and the first thing we see is the St. Joseph's Convent, the library, chapel and hospital of which speak of the vandalism of the invaders. Books had been systematically torn up, the icons of Jesus and Mary hacked away and everything had been looted, except a few heavy benches.

"Here some English nuns had beed killed by the invaders because these women had dared to resist the tribesmen....

"One of the war prisoners admitted that there was wireless contact with the advance base of the invaders and Abdul Khayun Khan, the League Premier of the Frontier Province, and the Pir of Manki Sharif, who, with his band of faithful armed desperadoes, is fishing in the troubled waters of Pakistan. About a *crore* (*i.e.* 10 million) of rupees or more

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worth of property looted from Baramula town (a thriving trade centre) was carried openly into Pakistan territory in no less than 280 lorries. Corpses are still floating on the Jhelum, mute witnesses to the savagery of the so called Mujaheeds. This prosperous trading town of Baramula is now deserted, denuded. Only a thousand are there out of a total population of 14,000. About a thousand have been killed, and the rest have fled to the hills and...they are coming back in a trickle."

Finally, on that fact, I would refer to statement of the Chief of the Poonch Muslim Guards who, horror-stricken with what had been done at Baramula, resigned as the Chief of the National Guards of the Muslim League. This statement appears in a dispatch of the United Press of India, dated 12 December 1947 which reads as follows:

"Mohammad Akram Khan, Salar-i-Ala of the (Poonch) Muslim National Guards has resigned from the Muslim National Guards....Dissociating himself from these organizations, he says in a statement, 'I had imagined that my leaders of the Muslim Conference were fighting against autocracy, against oppression of all sorts and for an *Azad* Kashmir based on Islamic conceptions of justice and equality. But these four months and a half have fully opened my eyes to the reality. Today I am ashamed to own my connexions with these organizations.' He adds, 'I know these organizations and their patrons from Pakistan have brought misfortune to the peaceful, freedom-loving people of my homeland. Having seen with my own eyes the devastation in Baramula, I know these traders in Islam are only petty thieves, cut-throats and ruffians.' Concluding, he says, 'We know the brave fight which our freedom-loving people are putting up under the leadership of Sheikh Mohammad Abdulla and Pandit Nehru. Their hands we shall strengthen, for thus alone can we get the free India of our dreams. Thus alone shall we build the new Kashmir of peace and plenty.'"

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This is a statement by a person who is the Chief of the National Muslim Guard in Poonch.

I think I have stated enough to show what it was my object to establish, that what came down from Pakistan into Jammu and Kashmir was not an army of liberation but an army bent on destruction. Therefore, the whole fabric, I submit, reared by the representative of Pakistan on the thesis that here you have an invasion, and we have to relieve the Muslim brothers in distress, is entirely without foundation.

A naive suggestion was made, not perhaps very definitely, that these atrocities which took place were the work of some Sikhs—at any rate that is what I understood the representative of Pakistan to say. Well, I have pointed out and submitted abundant evidence to show that it is not and cannot be attributed in any manner to the Sikhs, as those in charge of Pakistan must know. It is the work of the free-booters who are allowed to get into the territory of Jammu and Kashmir.

If, then, this invading force—as I have pointed out—has not for its object the liberation of the people of Kashmir, for what object has it been allowed to enter Kashmir and Jammu? The object of Pakistan, in letting these men through its own territory into Jammu and Kashmir, is clear. The object was—and that is our suggestion in submission of the complaint which we have made to this Council—to coerce Kashmir and Jammu into accession to Pakistan. That really has been the object of the attitude and the action of the State of Pakistan in regard to Kashmir.

The key to the whole position lies in a speech recently delivered by a prominent figure in Pakistan. I am referring to a gentleman called Firoz Khan Noon. In a recent speech which he made in the West Punjab Assembly, and which we have in a telegram of 15 January, he stated that "Pakistan without Kashmir was inconceivable," and that he could "not visualize a Pakistan in which Kashmir could ever be allowed to go under domination of the Indian people."

That is the key to the whole conduct and attitude of Pakistan in regard to the State of Jammu and Kashmir. It is and has been Pakistan's desire and policy, and it has adopted

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measures to implement it, to coerce this State, which is entitled to make its own free choice, into acceding to Pakistan. That alone explains the conduct of the Dominion of Pakistan in regard to the State of Jammu and Kashmir.

I have dealt broadly with the issue of Jammu and Kashmir and I shall now proceed to deal with what has been called the background of these events by the representative of Pakistan. I have already stated that this background is really of no relevance to the issue which we are considering, but in the course of depicting what the representative of Pakistan called the background, he went into a variety of matters and made very serious allegations against the Government of my country. Therefore, it becomes my duty to deal with what I myself and my Government consider entirely irrelevant to the issue which the Security Council is called upon to consider.

The root causes of the situation which has arisen not only in the one Dominion but in both Dominions, consists of two ideologies which have been prevailing in India in recent years. When I say India, I take it as a whole, as it was before the partition.

One is the ideology of the Indian National Congress, which the representative of Pakistan has already in part described: The ideology of the Congress was founded upon the concept of a secular political State in which the individual, whatever his faith, was to be the citizen. That was the ideology of the Indian National Congress, an ideology which made for unity and harmony.

Contrasted with this, on the other hand, was the ideology of the Muslim League. The basis of that ideology was religion. The membership of that organization was confined to Muslims, and the ideal was a separate State to be erected in the Muslim majority areas of British India, a State to be dominated by those professing the Muslim faith. And it is this ideology which is reflected in Pakistan's attitude towards the State of Jammu and Kashmir. Putting it in extreme and lay language, the point of view taken is this: "Here is a State with a population, we shall say, 78 to 80 per cent Muslim. Pakistan is a Muslim State. How could we possibly tolerate this population of nearly 78 or

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80 per cent not joining the Muslim State which is its neighbour, but thinking of joining another State in which the Muslims are comparatively a small minority?" That is the ideology which is the basis of the Muslim League. It is the ideology which impresses itself upon those in charge of the affairs of Pakistan and makes them, as it were, aim at the forcible accession of that State to the Dominion of Pakistan.

In the United States publication *Life* of 5 January 1948, that ideology is set forth as follows:

> "In the rugged hills near Pakistan's northern borders last week, turbaned Muslim tribesmen fought pitched battles with regular Indian Army troops. Across the new Muslim nation trains pounded over the rickety railroads collecting arms and volunteers for the tribal raids into the neighbouring State of Kashmir. The Muslim League newspaper *Dawn* referred to the raiders in Kashmir as the 'liberation army' and to New Delhi announcements as 'enemy *communiques*'.
>
> "Yet in the Pakistan capital of Karachi, the country's creator-dictator Mohamed Ali Jinnah, calmly insisted that it was none of his doing. This seemed a strange claim when daily reports told of frequent Pakistan casualties and when Jinnah himself publicly denounced Kashmir's ruling prince for putting a predominately Muslim State under Hindu India's protection. But what it meant was simple enough. Jinnah still had no real national programme for Pakistan except the incitation of fanatic Muslim zeal. If this led some of his 70 million followers to rush off to war and the rest to rally through the cities crying 'Free Kashmir', the *Qaid-e-Azam* (Great Leader) could not help it. There had to be some outlet for whipped-up Muslim emotions, and occasionally army reviews and establishment of internal security guards was hardly enough. Yet Pakistan dared not risk and could not sustain a substantial military operation....The Kashmir fighting was only the natural outgrowth of Jinnah's bitter seven-year campaign to force the Muslims and the Hindus apart.

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"Now that he had signally succeeded, Jinnah seemed to have little or no realization of the frightful economic consequences his infant country faced. For the most part he remained in absolute seclusion, emerging only occasionally to denounce the villainous Hindus for all of Pakistan's many ills."

The two ideologies which I have mentioned naturally led to a conflict in India as it was before its partition. The Muslims were organized on the basis of religion. They were told that they were a separate nation, that their religion and culture were different, and that since they were in danger, they must organize for their protection. This was a propaganda of hatred against the other communities. The matter did not rest merely at a propaganda of hatred, but violence was openly preached. I have here an extract from a speech delivered by the same gentleman I mentioned a short while ago, Mr. Firoz Khan Noon, as far back as 9 April 1946. He said: "I tell you this much. If we find that we have to fight Great Britain for placing us under one Central Government of Hindu Raj, then the havoc which the Muslims will play will put to shame what Khan Halaku did." Khan Halaku was a well-known raider and freebooter who killed many thousands of persons. That was the violence preached by responsible and prominent Muslims.

Mr. Suhrawardy, Muslim Leaguer and one time Premier of Bengal, stated, also in April 1946, "Muslim masses are straining at the leash and I wish the *Qaid-e-Azam* to test us. Muslims want to be the ruling class in this sub-continent." So, the Muslim masses having been incited—I think it is correct to describe them as "straining at the leash"—and that being the explosive situation, it was soon followed by the most violent disorder. Late in July 1946, the Muslim League resolved on what they called a "direct action programme." In the month of August 1946, in Calcutta, what was called "Direct Action Day" was celebrated, and I think I am correct in saying that that was the first large mass disorder which overtook India. It resulted in arson, looting and pillage by Muslims on a large scale.

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That was the beginning of the happenings in that city. It was followed two or three days later by equally violent retaliation on the part of the Hindus and Sikhs—the non-Muslims—and the mass of victims was very large. There was also an immense loss of property. This formed the subject of a judicial inquiry presided over by Sir Patrick Spence, the Chief Justice of India, and two other learned judges belonging to the Indian judiciary. The inquiry occupied several months but it could not be concluded before the partition, after which the commission of inquiry was dissolved. However, the facts disclosed at this inquiry clearly revealed that in the happenings that took place those in authority—the Muslim League Ministry of Bengal at that time—had encouraged if not connived at the events that had occurred on the opening day in Calcutta. These events, as I say, were encouraged and, as appeared from the evidence, were supported by various prominent members of the Muslim League.

The trouble in Calcutta was followed about a month later by a tragedy, also in Bengal, at a place called Noakhali. There the arson and killings were on a smaller scale than in Calcutta, but in a sense the nature of the crimes committed was more heinous and there was a mass of forcible conversion to the Muslim religion. That was how this mass disorder began in Calcutta and in Noakhali. It was followed by a brief and terrible retaliation in Bihar by Hindus who made up the majority of the population there. Killings took place there also on a very large scale.

It was during those disturbances in Bihar in October or November 1946, at a time when the Central Government in India had what it called a coalition or interim ministry consisting partly of members of the Indian National Congress and partly of those representing the Muslim League, that some of the members of the Central Government flew down to Bihar. At the instance of Pandit Nehru, the Prime Minister of India, an airplane was used in order to control the mob, and Pandit Nehru himself, risking his life, faced the mobs of Hindus and endeavoured to control them.

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The part played by Pandit Nehru in quelling these disturbances is well known, and I shall not trouble the members of the Council with quotations from the Press in the United Kingdom which depicted that part. As to what followed in November and December 1946, the representative of Pakistan has already referred to the tragedy at Gujarat Station and I shall not go into the details which the Pakistan representative has already described. Soon afterward—I think it was in January 1947—there came the announcement by the United Kingdom Government of its intention to transfer its authority in India not later than June 1948. I am mentioning this fact, because soon afterwards arose a scramble for power in the Punjab which led ultimately to that peaceful Province being torn into factions and being handed over to the forces of loot and disorder. Soon after this announcement there arose a campaign by Muslim leaders in the Punjab to shake off the ministry which was then in power; this was attempted by various methods, one of them being what they called "direct action." Large masses of people were trained in a warlike manner and were called "Muslim National Guards." In fact, violence was clearly in the air in the area of Lahore and the surrounding places.

The Security Council is aware of the fact that almost the whole of the Sikh population is concentrated in the Punjab. Most of the Sikhs have their homeland in the Province of the Punjab. The Security Council is also aware of the fact that soldiering is the main profession of the Sikh community. Most of the Sikhs are really martial, and they have furnished, in proportion to the numbers of their communities, the largest number of soldiers to the Indian Army. This attempt virtually to dominate the Punjab, where the Sikhs form so large a number, naturally gave rise to a feeling of great apprehension among the Sikhs. That is how the story of the events in the Punjab began, which events had not thus far affected that Province. As a result of the tension which had been created, there were extensive massacres in February and March 1947 at Rawalpindi, Peshawar, and other places. Sikhs and Hindus formed the majority of the subjects of these massacres. So great was the

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terror that large masses of Hindus and Sikhs where driven away from the Punjab. While travelling through the Punjab at that time, one could see masses of people at the railway stations who were trying to take trains away from the Punjab —people running away, in most cases, with what little property they owned.

Be it noted that at this time there was no persecution and no harassment of Muslims in East Punjab. The flow of refugees was completely from the west toward the east. Those Muslims in the east were at the moment entirely unaffected. Lahore itself, the capital city of the Punjab before the partition, which became effective on 15 August, presented a ghastly appearance. When I describe it, I speak from personal knowledge, because I was in Lahore during the month of July 1947 in regard to the proceedings of the Boundary Commission. Houses were burnt. It was unsafe for people to travel in the streets. It was necessary even that people appearing before this Boundary Commission, like myself, be under constant guard. That was the situation in the capital city of West Punjab.

As I have already stated, it was under those circumstances that the Sikhs and the Hindus flew away or tried to fly away from West Punjab. Perhaps it is necessary to mention at this stage the position of the Sikhs in West Punjab. Among the richest parts of West Punjab are certain districts such as Montgomery and Lyallpur Distircts, to mention two. They are prosperous, agricultural districts which have been built up by the industry and labour of the Sikh peasants.

The Sikh is mostly a peasant proprietor. He has, with the aid of canal irrigation, built up very prosperous colonies in these territories. The Sikh is attached to these lands which he and his fathers have developed from what was originally waste and sandy jungle.

With regard to the happenings in the West Punjab which I have already mentioned, the Sikh, under a reign of terror as it were, was threatened with having to leave the homeland which he had built with so much labour and effort. It was under those circumstances that the announcement of Master Tara Singh came, an announcement to which the representative

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of Pakistan has called attention. It was an announcement during which Master Tara Singh was said to have brandished his sword and uttered words which the representative of Pakistan has already mentioned to the Security Council.

I am not here to give the impression that Master Tara Singh was justified in saying what he did. However, I have already mentioned to the Security Council the great provocation under which the Sikh community laboured at that time. Thousands of them had to flee from the West Punjab. It was under those circumstances, in that state of excitement, that Master Tara Singh was led to say what he did.

It has been suggested that there was a preplanned conspiracy of the Sikhs, a conspiracy which has not been clearly outlined, but which, I gather, was a conspiracy to obtain a partition of the Punjab, and then to do away with the Muslims in East Punjab in order to make room for the Sikhs who would have to move away from West Punjab into East Punjab. The representative of Pakistan has referred to some documents which he stated were confidential, but which have become available. I do not know what those documents are. However, I do say this: The theory put forward of a conspiracy or a plan by the Sikhs seems, to my mind, to be entirely unbelievable. The conspiracy or the plan suggests that a large majority, or a very substantial number of the Sikhs who are in the West Punjab and own this valuable property and land, plan to migrate eastward, leaving their land and property, with a view to exterminate the Muslims in East Punjab and take hold of their property. I submit that is a suggestion which is very fantastic and cannot command acceptance. East Punjab, as those concerned with the country know, is a crowded part of the Punjab. The population there is much more centralized, and the land bears a greater burden than in the West Punjab. To suggest that Sikhs who own large farms in West Punjab should be parties to a plan to migrate to East Punjab and take hold of some little bits of land which may be available to them, or which will be made available to them there, is, I submit, not a suggestion which can reasonably be given credence by anyone acquainted with the situation in the Punjab and among the Sikhs.

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I have already mentioned the masses of Hindus and Sikhs flying from West Punjab towards East Punjab which took place in the months beginning somewhere around February or March 1947 and continued until July and August 1947. These refugees going from West Punjab to East Punjab naturally took with them stories of the dreadful happenings that had taken place in West Punjab; in Rawalpindi, Peshawar and in Mianwalli. These stories were taken by the refugees who had lost all of their belongings and whose families had been murdered and who otherwise were defeated, and they naturally excited great fear among members of their own communities in East Punjab, to which they had travelled. That is the cause of the happenings which took place in East Punjab in August and September in 1947 to which the representative of Pakistan has called attention.

I began by stating that the picture which has been presented to the Council is a distorted picture. I have so described it because what has been done is to present to the Council what may be called the second chapter of the story, if I may use such an expression in regard to happenings so close at hand. The first chapter of it has been mentioned only in passing, but therein lies the real cause of what happened in West Punjab in August and September of 1947, the details of which have been so graphically given to the Council by the representative of Pakistan.

There was no organized policy, no premeditated plan. What happened in West Punjab and also in East Punjab States, to which the representative of Pakistan has called attention, was but the necessary consequence of the mass feeling which was generated by the happenings in West Punjab which came to the knowledge of those in East Punjab through refugees bringing the details of horror. That is the true picture.

What ensued was what one necessarily should have expected: mass killings, mass torture, and mass abduction of women by one side, repeated later by the other side. By and large, that is the true picture: a burst or several bursts, if I may use that expression, of mass frenzy on either side which no State and no forces of law and order could control, for the simple reason

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that it was based on divisions of religion and community. The feelings aroused penetrated the minds of the forces of law and order themselves, so that the police, and in some cases members of the military force, took sides. In that state of circumstances, the mass frenzy became difficult, if not impossible, to control.

These mass frenzies resulted in denuding the whole of the Western territory of Pakistan, consisting of West Punjab and the North West Frontier Province, of the whole of its Hindu and Sikh population, barring those foribly converted or women abducted, and it resulted equally in a movement of Muslim population from East Punjab into West Punjab, although not to the extent or degree of that in the case of West Punjab.

Something has been said about the disorders that were encouraged or looked at or participated in by the forces of law and order. Any inference drawn from that fact that the Government was in some manner party or privy to these disorders, I refute for the reasons I have already stated.

On the western side of the Punjab, equally gruesome if not greater tragedies took place than those in East Punjab, some of them at the hands of the forces of law and order.

At the end of August 1947 a gruesome tragedy was enacted at a place called Sheikhupura in West Punjab, in which thousands of Sikhs and Hindus were butchered by a Baluchi regiment. The aftermath of this incident was witnessed by the Prime Minister of India in company with officers belonging to the Government of West Punjab.

The Prime Ministers of both India and Pakistan happened to be in Lahore at the moment this happened, in connexion with the examination of what has been called the refugee problem in India—people migrating from one side or the other. It was at that time, when they were in Lahore, that this news was received. Upon receiving it, the Prime Minister of India motored up to this place in Lahore, and there he witnessed hundreds of corpses lying in the streets and houses of Sheikhupura, murdered by Baluchi troops who were in charge of the town.

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I have already stated that I do not lay any charge against the Government of Pakistan or the Government of West Punjab in regard to this happening, but what I do emphasize is the fact that while on occasions the police and troops were parties to the disorder, cannot support the inference which the representative of Pakistan wishes us to draw—that the Government was a party to the disorders or to the happenings.

Things became so difficult for the Hindus and Sikhs in West Punjab that some of them, in the month of September 1947, rather than submit to heinous ill-treatment at the hand of Muslims, to the insults and crimes against their women and children, decided to consider mass suicide. These Sikhs and Hindus put their women and children to death rather than allow them to be the victims of these ghastly tragedies. One such occurrence took place at a place called Jhang, in West Punjab. Inquiries were made in this connexion, and I call attention to a letter dated 12 October 1947, addressed by the Governor of the Punjab to the Prime Minister of India. This is what that letter states:

> "Please refer to my semi-official letter, No. 188 GC of 1 October regarding mass suicides by Hindus, in Jhang District, last month. I have now received a reply from Governor, West Punjab, of which I enclose a copy for your information. My telegram to Governor, West Punjab, was based on information contained in an intercepted report by the Punjab Intelligence Bureau to the Pakistan Intelligence Bureau. The reply confirms the information. Hindus and Sikhs would not themselves kill their women and children, without the most compelling reasons."

The wireless message stated:

> "Reference your wireless message 187 GC of 1 October: There were cases of killing of non-Muslim women and children, by non-Muslims themselves, in some villages of Jhang and Sherkot Tehsils, due to fear of attack by Muslims, and also twelve cases of suicide by Hindu women in village Astana."

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Referring to *People's Age*, dated 5 October 1947, a dispatch from Lahore states:

"Beginning from 15 August, big attacks were made in Sialkot, Gujranwalla, where Muslim refugees from Amritsar rural areas came with their stories of atrocities, and this was used by the big landlords, the Muslim National Guards, the police and the military to send up West Punjab districts in flames.

"In towns like Kamoke, Okara, Sheikhupura, the military units of the Boundary Force worked greater havoc than anywhere else. The Baluchi regiment is said to have butchered nearly 8,000 to 10,000 non-Muslims in Sheikhupura alone.

"In rural areas, big non-Muslim areas were singled out for attack. Where the armed National Guard gangs failed to subdue the villages, which was the case generally, the military came to reinforce them and the defending non-Muslims had to fly in panic. At many places the National Guards dressed themselves in military uniforms and led the attacks for the obvious purpose of scaring away the non-Muslims and looting their possessions.

"In West Punjab districts the same horrible story of mass butchery and loot, of parading non-Muslim women naked in the streets of Sialkot, of public raping, brutal killing of children and babies, of hold-ups of refugee trains and caravans and mass attacks, abduction of young non-Muslim women—the whole shameful tragedy acted with the same common features as in East Punjab.

"After Premier Liaqat Ali's visit to the Punjab and the announcement that riots would be put down with a strong hand, everyone thought that Lyallpur would escape a big communal flare-up."

Then it goes on to state what happened in Lyallpur:

"A Muslim *goonda*[1] threw a bomb in a mosque in order to

1. Ruffian.

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stir up trouble and provoke the Muslims into believing that the non-Muslims had done it. This *goonda* was caught redhanded, but it is a shameful fact that these two League papers ran a campaign defending the *goonda* and asking why he had been arrested.

"On 4 September, when Mr. Hamid, the Muslim Deputy Commissioner, was addressing a meeting of citizens, appealing to them to maintain peace and condemn killing and looting, the *goonda* bands created mischief. Three people in the meeting itself were stabbed. The whole affair was well planned. This stabbing in the meeting was like a signal. *Goondas* ran wild in the city, many of them being members of the National Guard. The railway workers' colony was attacked and more than sixty people were killed.

"There were over 500 killed, but papers like the *Nawai Waqt* still belch venom against the minorities and abuse all those who seek to restore peace and order.

"These attacks have smoked out the Sikh minority. The three *lakhs*[1] of Sikhs in this district are now concentrated in big pockets and are on the move to cross the borders. They are carrying with them most of their movable property, including livestock.

"Lyallpur has been built on the labour of the Sikh peasant. He made these rich lands yield golden grain in abundance. His sweat and toil had gone into the soil there. When he was thus compelled to leave the land he loved, hatred filled his heart and in many Akali villages, he listened to the advice that he should scorch the earth before leaving it. Standing crops were burnt off, and even the drinking water of the wells in some villages was poisoned by the departing Sikhs.

"Ghazanfarali Khan, the Pakistan Minister, in a press statement boasted that no refugee camp of non-Muslims had been attacked in West Punjab.

"He was only hiding from the outside world the wholesale massacre in the Sikh refugee camp in Jaranwalla on 8 September. Here armed National Guards, assisted by the military, butchered 6,000 Sikh refugees and carried away nearly 1,000 women.

1. A *lakh* is 100,000.

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"It will not do to hide the crimes committed on one's own side and concentrate only on the crimes of the other."

The following appears under the heading "League Leaders Participate in Loot":

"But this is even more difficult because many of the local district League leaders are themselves active participants in looting and killing. In the Jhang District, the feudal landlords, the same old pro-British toadies and even the League Members of the Legislation Assembly have joined in the looting and killing expeditions.

"In Lahore itself, an important League Member of the Legislative Assembly is actually concerned in the looting. A truckload of looted stuff was caught by police, and the truck belonged to this League Member of the Legislative Assembly. He was too influential a person in the League, and the scandal was promptly hushed by the sins of the master being visited upon a poor servant of his who was charged as the man responsible for carrying away the loot.

"Throughout the West Punjab the big Muslim landlords, contractors and merchants, in collusion with the police and the military, have taken the lion's share in the loot. More than 60 per cent of the looted property is refuted to be in their possession. The police have shared in the loot everywhere. This led to a very peculiar incident today in Gujranwalla. Here the police announced by the beat of drums that wide searches would be conducted for looted property. This was intended to give time to those who had such looted property to remove it and hide it away. The National Guard bands that had shared with the police in the loot felt so furious at this that they made a counter-announcement in the town in the form of posters, placed all over the town, that they would not allow their houses to be searched until the houses of the police officers were themselves first searched. The guilty officers dared not carry through the search. The whole idea of the search had to be abandoned."

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That is the position in West Punjab as depicted by the representative paper *People's Age*. It bears out what I began by stating, that the problem that had to be faced here was the problem of the masses getting frenzied and fighting each other, the beast in the man getting the upper hand, aroused by the preaching of hatred and religious fanaticism. That is really what happened. If it happened in the East Punjab States, it happened in a greater and in a more virulent form than in West Punjab. The forces of law and order did not function in East Punjab. To a greater degree did they not only fail to function, but they actually participated in the crimes and in the looting in West Punjab.

It is futile to attribute these happenings to any Governmental plan or to any Governmental participation.

The tragic difficulty in West Punjab has resulted in practically the wiping out the population of non-Muslims in that Province and in the North West Frontier Province. When I say wiping out, I do not mean all of them have been murdered; a large number of them have been murdered, and the rest have migrated.

There is one further fact which I should like to mention in regard to East Punjab before I leave that subject. The difficulties of the Government there were far greater than those in West Punjab in the latter half of August and in September because it must be remembered that, the Punjab having been divided into two Provinces, East Punjab had to form and organize an administration which did not exist before. It was during this process of organizing its governmental machinery that East Punjab was faced with the problem of having to deal with the outbreak of mass disorder.

The representative of Pakistan has referred to happenings in certain East Punjab States during the months of June and July. We submit that the Indian Government is in no way concerned with what happened in some States prior to their accession to it. The Indian Government has and could have no responsibility for events in June and July, that is before 15 August, the date when the division of the two Dominions came about, when the United Kingdom Government was still in authority.

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Something was also said by the representative of Pakistan with regard to censorship imposed on the Press at the instance of the Indian Government, the suggestion being—and as far as I can see, it was only a suggestion—that, having planned the extermination of the Muslims, the Indian Government did not desire newspaper correspondents to publish the true facts. On behalf of my Government I reject that charge, and I submit that no material has been laid before the Security Council which can substantiate it. On the contrary, a number of cases will be found in which the Government of Pakistan deliberately prevented journals from stating the true facts concerning happenings in West Punjab. Actual orders were promulgated for that purpose.

In this connexion I refer the Security Council to an extract from the editorial comment of the *Civil and Military Gazette*, the British-owned daily of Lahore, dated 30 August 1947. The extract reads:

"On 25 August, in accordance with the order submitted for censorship"—there is actually a censorship in progress—"the following open letter was addressed to the *Qaid-e-Azam* by Mr. Liaqat Ali Khan and Khan Iftikhar Hussain Khan of Mamdot:

" 'Your Excellency and Gentlemen: Believing unreservedly in the sincerity of your assurances regarding the restoration of peace in the unhappy Province of West Punjab, and in your promises of protection to minorities, I bring the following to your notice as evidence of the manner in which your assurances are being negatived and your promises rendered abortive. I do this in the hope that the facts stated herein may bring about the punishment and elimination of those elements which are flouting your orders and frustrating your intentions.

" 'Passengers by the down Sind Express who arrived in Lahore on Saturday evening had had experiences which they will never forget and of which they were with difficulty persuaded to speak. After the train had left Gujarat a small

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body of passengers armed with axes and knives repeatedly stopped it by pulling the communication cord, and visited each compartment in turn ferreting out those of another community and ruthlessly butchering them.

" 'Sometimes these crimes were committed while the train was moving, sometimes in the presence of parties who rushed towards the line from the countryside whenever a stop was made.

" 'Some passengers attempted to save themselves by crawling under the carriages, but these were pulled out and killed. Two leaped from the train and started to run across the fields. The train was stopped, chase given, and the fugitives dispatched. The earlier victims were killed with hatchets, the later ones, more slowly, with knives. A woman and her three small children were among the last to die. Once the train stopped at a wayside station when no more victims remained for the sacrifice, and the murderers apologized to their co-religionists on the platform for the zeal which left them no one to kill.

" 'Fifteen deliberate, cold-blooded murders may seem little enough to turn you gentlemen from the tremendous task on which you are engaged—the creation of a State from a nation. But these fifteen shared the fate of many more. Few trains indeed came from Lahore from north or east without revealing similar atrocities.

" 'Lives could be saved, and the extension of the death-chain which their loss ensures prevented by the adequate guarding of trains. When at one point, the train guard of the Sind Express fired a volley of six shots, apparently over the head of a menacing mob, the miscreants turned tail and ran. Only a few small escorts, armed with no more than two Sten guns, could conceivably have saved those fifteen lives and thus prevented the exacerbation of a blood-feud which attained fantastic and terrible proportions. This seems a simple way in which your assurances can be honoured and your promises fulfilled. Will you adopt it?'

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"Assuring you of my keen interest in and high hopes for the future of Pakistan, I am. Yours respectfully, the Editor."

This is an open letter which is addressed by the editor to the *Qaid-e-Azam*, Mr. Liaqat Ali Khan and Khan Iftikhar Hussain Khan of Mamdot. This editorial continues as follows:

"Later on, the same day, we were informed by telephone that, after consultation with the Premier of West Punjab, permission to publish this open letter had been withheld for reasons of policy ('criteria other than truth'). Quibbling may exonerate the Pakistan Government from the charge of issuing a misleading *communique*, since the censorship was imposed by the Governor of the Punjab and not by the Governor of Pakistan and issued from Lahore, not Karachi. But we are concerned with facts, not quibbles. And we leave it to our readers to judge whether our statement regarding censorship or the denial of the statement, contained in the *communique*, 'was utterly untrue and malicious'."

Here was an attempt to suppress the publication of an open letter by the editor of the *Civil and Military Gazette* which stated the facts.

The representative of Pakistan has referred to the destruction of property and houses. He told the Security Council about this in a very graphic manner. He said, "I once had a home; I have none now." He was referring to the loss of his home. The impression which I received from this statement was that his home had been destroyed; but this is not a fact. His house is intact. This fact has been repeatedly inquired into, and, in fact, by General Naziruddin. A relative of the representative of Pakistan was taken by General Thimmaya, a member of the Indian armed forces, to this house, and the house, intact, was shown to him. If the meaning of the Pakistan representative's statement is not that his house was destroyed, but that he has no home in the sense that his house has been looted, that meaning is also incorrect. We are

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informed, on proper inquiry, that the furniture and belongings of that house—excepting a few things—were removed to Lahore under proper escort.

It may be said that some few belongings may have been looted, but the substantial part of the belongings in that home have been left under protection and have been taken to Lahore. That, according to me, is again the true picture of what happened, not that I or my Government do not feel distressed by any damage that may have been caused to my friend's property or to my friend's house. I submit that when we are dealing with mass disorder and mass destruction on the scale that I have already attempted to describe, the loss must inevitably fall, on the one side or the other, on persons who happen to have the misfortune of having their homes or their property situated in these disturbed areas.

My friend is not the only one who has suffered some loss. There are members of the Indian delegation who have also suffered losses on their side of the territory, losses similar or lesser or more in degree. We all regret what has happened. However, to make an attempt to build up a case from what has happened against a Government or a policy of a Government which alleges participation by the Government in these disorders is, I submit, unwarranted.

Something has been said by my friend about the place, Qadian, where he had his home, and of the large Muslim population. I think he mentioned about 13,000 and only 200 or 300 were left to guard a religious place there, according to him. That again is a matter of deep regret, but the loss to Qadian is literally nothing compared to the huge losses suffered by the Hindu and Sikh population in West Punjab. I mention the city of Lahore itself where property, trade and factories belonged largely to the Hindus and Sikhs. The whole of it really has been lost to this part of the population in the sense that it has been evacuated. The Hindu and Sikh population evacuated their homes and left for West Punjab. They do not now know what is happening. Many of the houses are occupied by other persons, many of them have been destroyed by fire, and the loss, estimated in terms of money, would amount to

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millions of dollars. The position, therefore, is that the loss which is occasioned by mass murder and mass destruction is unfortunately followed on both sides of the boundary line between the two Dominions. We attempted to collect the figures in this respect. We have collected the figures in regard to one small town in West Punjab. This is the town called Sargodha. The estimated loss in this small town is 1,323 persons killed, 3,041 converted to the Muslim religion, 190 persons abducted, and property worth six *crores* of rupees, which equals roughly 20 million dollars, destroyed by looting and arson. Those are the figures relating to a small town like Sargodha in West Punjab.

The places which have suffered a similar fate in regard to the property of Hindu and Sikhs are Lahore, Rawalpindi, Sheikhupura, Sialkot, Multan and Peshawar. I am mentioning only the principal ones.

This again, as I began by saying, is totally irrelevant to the question which the Security Council is called upon to consider. As I have stated, a picture has been placed before the Security Council which is at most half of the real story, and the half which favours the view of his Government which the representative of Pakistan has chosen to put before you. I have attempted, as briefly as I could, to put before the Security Council, in some measure, the other side of the picture.

Something was said by the representative of Pakistan about the happenings in Delhi, the capital of the Indian Union. Looting and killing took place in Delhi during the month of September 1947. But the question is, had the Government any participation in it or any hand in it? I submit that nothing has been placed before the Security Council to show that the Governmental machinery participated in this, or that the Government policy encouraged or connived in the happenings in Delhi.

In this connexion the Press, and I think the Press in the United Kingdom, carried many stories of attempts made by those in authority, the Prime Minister himself and others, to do their best to quell these disturbances, on more than one occasion at personal risk to themselves. That demonstrates

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what I have already stated: that what happened was the outbreak of mass frenzy which, at the moment, could not be controlled by the forces of law and order.

The representative of Pakistan bitterly complained of college youths souting *Qaid-e-Azam Murdabad*[1] which was offensive to the great leader of Pakistan. He had no compunction in quoting the unabashed comment from a newspaper called *The Truth* in regard to Mahatma Gandhi. That quotation, attributed to Mahatma Gandhi, would be an advocacy of war. A suggestion of this character against the person who had recently undertaken a fast to prevent communal discord and communal disharmony is, I submit, entirely unjustified. I am not going to read to the members what was actually said, but one has only to read what was said by Mahatma Gandhi on that occasion, and what he explained, to be convinced that in no sense did he advocate war. What he said was that the utmost attempts and efforts should be made to bring about peace and harmony, because if that were not done, the two States would drift into war. That is the statement made by Mahatma Gandhi, which he himself explained a few days later when comment was made on it. In view of that statement and its explanation, I submit the suggestion made has no substance.

The happenings in Delhi are comparable to the recent happenings in Karachi. Mass disorder broke out. The forces of law and order made attempts to control the disorders, and some of the Ministers took part and did their best to try to quell the disturbances. That is precisely what happened in Delhi also.

The latest telegram which we have received with regard to what happened at Karachi states:

> "Twenty-five thousand non-Muslims have been evacuated as a result of what happened. Further, 50,000 remain in Karachi alone and they can be moved at the rate of 10,000 weekly. There are urgent requests for assistance from non-Muslims in the interior of Sind, where grave danger is

1. "Down with the Great Leader."

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apprehended at many places. The Government of Sind, however, is obstructing movements of Hindus from interior to Hyderabad or Karachi. Premier has been threatening to stop supply of foodstuffs to camps. Second Magistrate has promulgated an order prohibiting departure of any Hindu for a fortnight. Permit system has been introduced and only those persons will be given permits who have cleared all their accounts, etcetera. Over 1,000 Hindus, travelling by train from Sukkar to Karachi, were forcibly detrained at Nawabshah. The matter is being taken up by the Prime Minister of Pakistan.

"According to latest reports from Kapur at Peshawar, frontier authorities are also unhelpful. Governor of North West Frontier Province visiting Dera Ismail Khan to ascertain wishes of non-Muslims. He turned down a request from Kapur to be allowed to accompany him, on the ground he preferred to see things for himself. No arrangements have been made for evacuation of non-Muslims. People suffering severely, being lodged in tents in bitter cold and snow and without adequate supplies of food. Local administration has merely called for a report of the particular agency in Kurram. Might well be considering the dispersal of non-Muslims from camps.

"Nor is any attempt being made to evacuate non-Muslims from Am, Swat and other frontier provinces. Evacuation from Bannu was suspended after Gujarat incident."

That is a telegram from Sri Prakash, the representative of the Government of India in Karachi, received a little while ago. The "Kapur" referred to above is the representative of the Government of India in the North West Frontier Province.

I already mentioned this morning the incident which happened in the train at the Gujarat railway station. I referred to a dispatch from Collin Reed in the London *Daily Telegraph* of 15 January 1948 from New Delhi, which reads:

"According to detailed reports received here, 1,300 non-Muslim refugees have been killed, 400 are missing, 150 are

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in hospitals with shot, hatchet and knife wounds following the attack by Pathans on a train in West Punjab on Monday. So far, about 600 uninjured survivors are accounted for out of the 2,400 passengers and a military escort of 60.

"When the attack was first reported on Monday, it was stated that nearly 100 people had been killed. The train was evacuating the refugees from Bannu, in the North West Frontier Province of Pakistan, and reached Gujarat Station on Sunday night. Two soldiers of the escort were attempting to draw water from a pump when they were attacked by armed Pathans who seized their rifles."

A telegram received by us from New Delhi, dated 15 January, states:

"Deputy High Commissioner has visited Gujranwala where some survivors of Gujarat incident were collected.
"He reports that a train which was coming from Bannu, arrived Gujarat about 10.00 p.m., and attack by Pathans from neighbouring villages began soon after 1.00 a.m. Escort, consisting of sixty soldiers of Bittar Regiment, with Sikh commander, returned their fire until 8.30 a.m., when they ran out of ammunition and were themselves wiped out. Deputy High Commissioner states there were 3,000 passengers; estimates casualties of 1,500 killed, 100 missing and 300 women kidnapped. Seven hundred survivors taken to Gujranwala, and 400 more, reported by Pakistan authorities, to be in Gujarat. Value of property looted is estimated at 30 *lakhs* of rupees. No young women were found either in hospital or in camp, and it is believed that they were all kidnapped. Pakistan troops arrived on the scene at 9 a.m. Massacre continued, even in their presence, but they eventually stopped it by firing in air and by persuasion and threats. Police and magistrates took no action against attackers, and complicity of civil and railroad officials is strongly suspected. Wounded and other survivors felt insecure at Gujranwala and had no confidence in local

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Muslim surgeons. Deputy High Commissioner obtained agreement of Pakistan authorities to transfer all survivors to Lahore. First batch of wounded was expected to arrive at Gangaram Hospital, 14 morning. Strong protest is being made to Government of Pakistan."

This is the true position, and a Government which has in its territory happenings of the sort I have just described, and numerous others which I have previously mentioned, has the temerity to accuse the Government of India of genocide. I submit that no accusation could have been based on a more slender foundation than the one which has been submitted before the Security Council by the representative of Pakistan.

A word about Ajmer, which the representative of Pakistan referred to as one of the holy places in which the Muslim population is in danger, and which is situated in the Indian Union. Now the true facts in regard to that are—as I shall presently read from a telegram—that all steps have been taken to safeguard this holy place, and that whatever difficulties have arisen, have arisen by reason of some differences among the Muslims locally in Ajmer. I now quote a telegram dated 20 January 1948 which reads as follows:

"In Ajmer, trouble was started by Muslims who on 17 August attacked a Hindu religious procession, inflicting fourteen casualties. The situation was immediately brought under control and there was no disturbance until 5 December. Tension, however, continued because a number of Muslims from Ajmer and neighbouring States, who at the insistence of the local Muslim League had migrated to Pakistan, returned to Ajmer and, meanwhile, there had been a large influx of non-Muslim refugees from Sind.

"When trouble broke out in December, vigorous action was taken by police and military who repeatedly fired on rioters. Large collective fines were also imposed on aggressors.

"As a result of these measures, the situation was rapidly brought under control and there have been no incidents since 15 December. Casualties in December were: killed,

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14 Hindus, including 9 killed by police and military; Muslims, 41; wounded, Hindus, 23, Muslims, 64.

"The Prime Minister has visited Ajmer and has himself said that local authorities have taken vigorous action to stop rioting. Special measures were taken from the beginning for the protection of Durgah—that is the holy place—which was never attacked and has suffered no damage.

"It should, however, be mentioned that the problem of affording security to Muslims in Ajmer is complicated by the existence of dispute over the management of Durgah between rival parties of Muslims."

I have dealt broadly with what has been called the background of the situation so far as it concerns India. I propose next to go on to deal with what is the real background, namely, the background of happenings in Kashmir itself. I do not know whether that would be convenient to the President and the Security Council at this time. If there is a wish to adjourn, this would be a convenient point for the adjournment.

(SCOR, 3rd Year, Mtg. No. 232, pp. 171-204)

The fact which must be remembered in connexion with all the events which I, or the representative of Pakistan, have narrated is that before partition India was entirely under one centralized Government. Certain ideas, by reason of that single Government, had been built up in the minds of the people of India for years and years. Only a few years before the actual partition, the idea of a severance and the partition of the country came. Of course, that idea was a shock to many of the people of the country. Partition was eventually effected by agreement between the two political parties in the country. However, the feelings of the people had been exacerbated, and it is not surprising, therefore, in view of the background which I have just described, that there was a great upheaval. The events which I mentioned this morning and which the representative of Pakistan described are really a part of this great upheaval. This upheaval is not unnatural, having due regard for the circumstances under which a country which had been

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under one unitary Government during a century had to be partitioned.

If one takes these events into consideration, the upheaval will be understood and appreciated. It may also be stated that, with due regard to the problem involved in the transfer of large masses of the population from either side of the country, what has happened is not really a considerable disturbance, and the transfer has been carried out, on the whole, very satisfactorily. I am speaking not only with reference to my Government, but also with reference to the Pakistan Government.

Lord Mountbatten, while making a reference in this connexion, is reported in an issue of the *The Times* of London, dated 15 November 1947, to have stated that events in India should be viewed in the proper perspective:

> "He said that he would not try to belittle the troubles or the agonies of the people involved, but the numbers concerned in India's trouble spots could not possibly amount to more than 10 million or 12 million people of the sub-continent's total population of 400 million. Ninety-seven per cent of the people, in fact, were living in peace, doing their daily business in their newly found freedom.
>
> "The massacres had been bad enough—it would be foolish to pretend otherwise—and the full numbers of those involved were now being computed. He hoped the figures would eventually be published and believed that they would be not only far smaller than had been expected, but only a small fraction of some figures that had been quoted."

That is the picture of the whole country viewed in its proper perspective, notwithstanding subsequent events to which I have already made reference. When I say "the whole country", I mean the country that used to be, including the people now comprising the two Dominions.

I now propose to deal with the true perspective in regard to the situation in Jammu and Kashmir, which really is the question under debate in the Security Council. As members of

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the Council have already been informed. Kashmir is under the rulership of a Hindu Maharaja who was an absolute ruler except for the assistance which he received from an assembly, which was, I believe, a legislative assembly in part. Like many absolute rulers of Indian States, he has many antiquated laws. Some of them have been described by the representative of Pakistan: excessive punishment for the killing of cows, laws which enable certain persons to be pressed into service on certain occasions, etc. I only state that these laws are not peculiar to the Indian State of Jammu and Kashmir. These laws, or similar laws, exist in other Indian States which are also similarly governed.

A popular agitation started as far back as 1931 or 1932 in the State for freedom of the Press and popular legislative and other reforms. This agitation was led by Sheikh Mohammad Abdullah. Since those days in 1931-1932, Sheikh Abdullah has been the leader of what has been described as a "people's movement" in Jammu and Kashmir. The reforms which I mentioned came about as a result of that agitation. They were introduced in 1936 or thereabouts.

In 1938, the National Conference was founded, of which Sheikh Abdullah became the leader. That National Conference represented the national movement on behalf of the people of Kashmir. The National Conference has among its members not only large masses of Muslims but also Hindus and Sikhs who are inhabitants of Kashmir. Sheikh Abdullah, with his movement, the National Conference, was not only in favour of the political uplift of the State but also of social and educational improvement in the State. Naturally, he again came into conflict with the State. In all, Sheikh Abdullah has been sentenced to gaol seven times, and has spent about four and one-half years in the gaol of the Jammu and Kashmir State.

He started movements which were followed by Muslims, Sikhs and Hindus. They, along with him, disobeyed certain unjust laws. These Muslims, Sikhs and Hindus were arrested and followed Sheikh Abdullah into gaol.

In May 1946, Sheikh Abdullah put forward a demand which was called the "Quit Kashmir Demand." The meaning of this

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demand was that the Ruler should quit Kashmir and leave the administration of the State to the people who would govern it in a democratic fashion. As a result of his demand, Sheikh Abdullah was brought before the State courts, charged, I believe, with sedition, and sentenced to nine years of rigorous imprisonment. That was in May 1946.

There was and is another body in the State called the "Muslim Conference". That Conference represents, in brief, the ideology of the Muslim League. It was founded on the assumption that the State should be organized on the basis that the Muslims had asked for in the organization of a State in India. Membership of the Muslim Conference was restricted to Muslims.

Certain elections took place in January 1947. In view of the fact that the leader of the National Conference, Sheikh Abdullah, had been imprisoned, the National Conference and all its followers boycotted the elections that took place in Kashmir. So large was the following of Sheikh Abdullah that, even though the Muslim Conference contested the elections, out of an electorate of 600,000 people, only about 200,000 went to the polls to vote at all. I am mentioning those figures in order to show that the movement led by Sheikh Abdullah was and is a very popular movement.

It is important and pertinent to know what the condition of Kashmir itself was when the neighbouring portions of West Punjab and East Punjab were in the disturbed condition that has already been described to the Security Council. The members of the Security Council will remember—the map shows it—that a large part of the boundary of Jammu and Kashmir is contiguous to West Punjab, and a very small part of its boundary is contiguous to East Punjab. All these disturbances which were going on in both Provinces led, as members of the Council have already been told, to the movement of large masses of refugees from one direction to the other. A number of these refugees went to the State of Jammu and Kashmir; they crossed its borders. These refugees were kept and cared for in the State, mostly through the activity of the National Conference, which I have mentioned. Though its

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leader was in gaol, this Conference was active; and though there were serious disturbances in the neighbouring parts of East and West Punjab, so far as Kashmir was concerned, there was complete quiet.

Kashmir became crowded with a large number of refugees, both Sikhs and Muslims; the Muslim refugees passed through parts of the State on their way from East Punjab to West Punjab. This resulted in the State becoming a sort of channel through which they passed. Even so, Kashmir remained quiet. This is very material, because the representative of Pakistan has suggested that the Kashmir Muslims were threatened with extinction. That is the picture which it has been sought to present to the Council and which I say is a wholly untrue one. Kashmir had no disturbances at all when both East and West Punjab were in the flames of these communal passions and disturbances.

Some time in August 1947 attempts were made to inflame feelings in Kashmir. Certain familiar methods adopted in the North West Frontier Province and elsewhere were employed. Certain Muslim leaders were sent to various parts of Kashmir and shown around with a view to inflaming the Muslim feeling against the Sikh and the Hindu population of Kashmir. Certain religious teachers were sent into Kashmir who preached again the communal doctrine of hatred and tried to inflame feelings against the other communities. These were the agents of the organization that believed in a State founded on religion.

The matter does not rest merely with these activities. In the early part of September 1947, raids were made from West Punjab into the Jammu Province on which it borders. These raids were made by Muslims of West Punjab organized by interested parties. As many as 95 villages on the Kashmir-Jammu side of that border were burned, and a large number of the Sikh and Hindu population were attacked, some of them being murdered and robbed. Even the State troops were attacked. That was what we term another attempt to inflame feelings in the Jammu and Kashmir State.

A third phase was the engineering—and I advisedly use the expression, as it was engineered by outsiders—of a revolt in

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the Poonch area, again fostered by the propaganda which I have mentioned. These were all activities, in the view of my delegation, designed to arouse disturbances in Kashmir, which was then still peaceful.

A furher aspect, and perhaps an indication of the source from which these activities were flowing, was the attitude of the Pakistan Government towards Kashmir. This has already been described in the report submitted by my Government on the Jammu and Kashmir question [*document S/628*], and I do not wish to repeat anything that is stated in that report. An attempt was made by economic dislocation and by creating difficulties in the matter of supplies, we say, to coerce Kashmir and to put pressure upon Kashmir to accede to Pakistan. We say that these activities which I have mentioned, namely, the raids, the economic pressure and the propaganda, are all part of the same programme, the programme being an attempt to coerce Kashmir into accession to Pakistan. Also included in this is the revolt in Poonch, which I have mentioned. Poonch, it will be remembered, is contiguous to West Punjab, and the revolt was prompted and promoted by the Muslim leaders in the Punjab. Even so, right up to the end of September 1947, excepting these killings of Hindus and Sikhs which were committed by the Muslims in the raids I have mentioned, there were no disturbances at all, and there is no reason for any suggestion that anything had been done by the Dogra Raja or by the Dogras otherwise to molest the Muslims.

At the end of September 1947 a situation was created by certain leaders in the State which compelled the Maharaja to release Sheikh Abdullah, notwithstanding his detention in prison for all these months, and that release came on 29 September 1947.

Soon after his release, Sheikh Abdullah defined his attitude as to what the position of the State should be. His attitude is and always been that the wishes of the people should be ascertained as to whether they wish to accede to either Dominion, and, if so, to which one. That attitude was manifested by him soon after he was released. I shall read a

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statement from the *People's Age*, dated 26 October 1947. These are the words of Sheikh Abdullah:

"Kashmir to be a joint *Raj* of all communities. Our first demand is complete transfar of power to the people in Kashmir. Representatives of the people in a democratic Kashmir will then decide whether the State should join India or Pakistan.

"If the forty *lakhs* of people living in Jammu and Kashmir are by-passed and the State declares its accession to India or Pakistan, I shall raise the banner of revolt and we face a struggle.

"Of course, we will naturally opt to go to that Dominion where our own demand for freedom receives recognition and support. We cannot desire to join those who say that the people must have no voice in the matter. We shall be cut to pieces before we allow an alliance between this State and people of this type.

"At least thirty *lakhs* of Muslims in Jammu and Kashmir State are not going to sacrifice themselves for one Nawab of Bhopal or one Nizam of Hyderabad whose interests the Muslim League is trying to guard by the adoption of an anti-State's people policy.

"I assure the Hindus and the Sikhs that their life and honour will be safe and fully protected so long as I live.

"In this time of national crisis Kashmir must hold the beacon light. All round us we see the tragedy of brother killing brother. At this time Kashmir must come forward and raise the banner of Hindu-Muslim unity.

"In Kashmir we want a people's government. We want a government which will give equal rights and equal opportunities to all men, irrespective of caste or creed. The Kashmir Government will not be the government of any one community. It will be a joint government of the Hindus, the Sikhs and the Muslims. That is what I am fighting for."

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This speech was delivered at a meeting of 100,000 people at Hazaribagh on 5 October. Hazaribagh is a place in Kashmir.

The actual events which took place in regard to accession appear in a dispath dated 10 December 1947, which shows that the Government of Pakistan, or people in Pakistan, were actually approached by Sheikh Abdullah or his emissaries to ascertain whether the Government of Pakistan was willing to allow the people of Kashmir to make their choice, and that if this were so, they were quite agreeable to that being done.

In that connexion I should like to refer to the dispatch which appeared on 10 December 1947, and which set forth a statement by Ghulam Mohammad Sadiq, Acting Head of Administration of the Jammu and Kashmir State, given in an interview. Recalling past attempts to settle the Kashmir problem by peaceful means, in the relevant portion Ghulam Mohammad Sadiq said the following:

> "Before the invasion, the National Conference"—the movement which Sheikh Abdullah represents—"deputed me to approach the Pakistan Government at the highest level to recognize democratic rights of the Kashmir people for self-determination and abide by the sovereign will of a free people on the question of free association with either of the Dominions. I met Pakistan's Prime Minister and other Ministers, but it was of no use. We see finally put into operation a programme of first enslaving and then securing 'yes' in their favour from an enslaved people."

Asked, in the interview what the immediate problems facing the Kashmir Administration were today, Mohammad Sadiq said: "Certainly not referendum but immediate relief to our people. In fact, we are carrying on with atomic speed the two-fold task of rehabilitation of unfortunate victims of Pakistan aggression and procurement of food and cloth.

"Pakistan propagandists who pretend to show so much concern for their Muslim brethren in Kashmir against Dogra oppression have tried their best to starve them by blockade of all exports and imports for the past five months."

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That displays the attitude of the movement represented by Sheikh Abdullah, which is admittedly the correct attitude, namely, the decision as to whether Kashmir should accede should be left to the decision of the people of Kashmir. But that attitude, as it appears in the account of the interview which I have read, was not an attitude which the Government of Pakistan was content to accept. The scheme was to coerce Kashmir, if possible, into accepting Pakistan and acceding to Pakistan. The position therefore was that Pakistan would bring great pressure to bear and augment the coercion which it wished to apply, according to our view, by inviting the tribesmen and affording them passage through its territory, to which I have already referred.

Thus came the invasion of Kashmir on 22 October 1947. It commenced by an attack at a place called Muzaffarabad in Kashmir. What is most important to remember is the fact that, until that raid commenced on 22 October 1947—that is, the raid by the tribesmen—there had been no killing by the Dogras. A point which has been repeatedly mentioned to the members of the Council is that Muslims were killed by the Dogras, and that it was because of the killing of the Muslims that the tribesmen, their brethren, returned from the frontier. That is a totally untrue picture. We have no facts which would show that any Muslims were killed in the Kashmir State by Sikhs or Hindus or even the Maharaja or his Dogras before 22 October, which is the date of the penetration and raid in Kashmir territory by the tribesmen. That central and important fact, I submit, cuts at the root of what the Government of Pakistan has tried to put before the Security Council. If there was no killing by the Dogras before that date of invasion, there can be no question of the invaders rushing to the aid of their distressed brethren in Kashmir.

A statement by Sheikh Abdullah was published in *Dawn*, a paper run by the Muslim League and which is its principl organ, as to his views on accession:

> "Sheikh Abdullah, who left for Srinagar today, in a statement said that Kashmir was in dire peril and the first duty of every Kashmiri was to defend his motherland against the

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intruders. He said that the invasion of Kashmir was meant to coerce and compel the people of Kashmir to act in a particular way, namely, to accede to Pakistan. Every Kashmiri, he said, resented this compulsion on his will. 'Our beloved and beautiful homeland of Kashmir is in dire peril,' he continued. 'In this extremity it is the duty of every Kashmiri, whether Muslim or Hindu or Sikh, to defend it to the utmost. Those who are responsible for its defence have failed us and the responsibility, therefore, falls on the people of Kashmir.'

"Sheikh Abdullah stated further, 'The Kashmir National Conference has stood for responsible government in the State under the aegis of His Highness the Maharaja. Even the question of accession to India or Pakistan or any settlement about the future must, we have stated, follow these vital constitutional changes within the State. Many of the influential members of the National Conference were of the opinion that accession to the Indian Union would be advantageous to the State both for political and economic reasons. Economically, Kashmir depends for its market much more on India than on Pakistan. When I came out of prison four weeks ago, I wanted some time to consider the situation and consult my colleagues. During my incarceration vital changes had taken place in India and a new situation had arisen. Much had happened that had brought disaster and misery to millions of people. It became necessary for us, therefore, to take stock of the situation most carefully and decide in a way that would be advantageous to Kashmir and in accordance with the wishes of the majority of the people of Kashmir.

" 'I advised my people that the question of accession should therefore not be decided immediately, and that the first step should be a constitutional change on the basis of responsible government. After that, the future relations of Kashmir with India and Pakistan might be determined. But events have moved fast. Soon after my release I heard of preparations along the western borders of Kashmir for some of kind invasion or raid. Armed people infiltrated into the

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State territory and in many places there were armed conflicts.

"I appeal to all lovers of freedom in India or Pakistan to stand by the people of Kashmir in such hour of trial and to denounce the raiders who have come to bring sorrow and disaster to our country'."

That is the true setting of the accession of Kashmir to the Indian Union. I should have mentioned to the members of the Council the events which followed the raid on Muzaffarabad on 22 October. The raiders, inflicting the misery and suffering which I have already described this morning, came up to Baramula and beyond, within a few miles of the summer capital of the State, Srinagar. It was then, under those circumstances of dire peril to the State, that Sheikh Abdullah and his party wanted time to consider the future course of action to be taken in Kashmir. The people of Kashmir were faced with forcible possession, which was really the coercion of the State into joining with Pakistan or accession to Pakistan; their only other choice was to defend their State against the invaders by the aid of some outside assistance.

It was then and under those circumstances that the State made its decision—and when I say the "State", I mean not only the Maharaja but also the popular leader, Sheikh Abdullah, to accede to the Indian Union to save itself from dire peril.

Indeed, it was this step which they took which saved the State and its capital from being overrun, looted and pillaged. Otherwise it would have met with the same fate as Baramula met with a few days before the 26th.

That is the course of the material events with which the Security Council is concerned in the complaints and reports which it is investigating. It has been said that the accession was a fraudulent accession. It has been said that this accession was procured by violence. It is easy to use expressions. However strong one chooses to make them, it is very easy to use expressions. But has there been any evidence placed before the Security Council to suggest anything fraudulent? It is a very serious charge to make, and, in the circumstances in which it is made, I think it is hardly short of an insult to the intelligence

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of the Security Council to be asked to infer fraudulent accession. I ask the Security Council to brush aside for a moment what I have been saying. I ask the Security Council to consider what the representative of Pakistan has stated. Even in the statements made by the representative of Pakistan, there is no indication of any fraud in the matter of the accession. Taking the statements made by the representative of Pakistan to be correct, there still can be no question of any fraud, much less of any violence which procured the accession.

There is no evidence of any kind that, prior to the accession, Indian troops or the Indian Government had anything to do with Kashmir, or coerced Kashmir, or exhibited any violence, or took any violent steps against Kashmir. That, I say again, is a totally unfounded allegation based on no material whatever. Yes, it is true, in a sense, that the accession of Kashmir to the Indian Union was procured by violence; not, however, by the violence of the Indian Union, but by the violence encouraged and connived at by the Pakistan Government. It is that Government which encouraged these raids, which encouraged the insurgents in the State, which allowed passage to the raiders, which allowed the creation of the violence, the pillaging and the looting in the State; and it is that violence, which Pakistan encouraged and cooperated in, that drove Kashmir, which wanted time to consider its position, into accession with the Indian Union.

In that sense, no doubt, it is true that the violence of Pakistan procured the accession of Kashmir to the Indian Union. But I make bold to say that the conduct of my Government has been entirely above board in this matter. It was not until the Ruler of Kashmir and the popular leader of Kashmir approached the Indian Government for assistance in the extremity which I have described, that the Indian Government stated—and I submit, rightly stated—that it could not interfere in the matter of Kashmir unless the State was a part of Indian territory, which could come about only if Kashmir acceded to the Indian Union. On that understanding, in the peril in which it found itself, Kashmir offered to accede to the Indian Union—not only the Ruler, but also the popular leader. The Indian Government was careful, even though the request came from both, to stipulate that it was accepting the accession only on

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the condition that later, when peace had been restored, the expression of the popular will should be ascertained in a proper manner. It was on that condition, and that condition alone, that the Indian Government accepted accession. That condition may be seen from the correspondence which has already been read to the Security Council, and which forms part of the documents filed with the Security Council. Could one, then, for a moment, entertain the suggestion that there was any underhand dealing, any fraud, anything improper, in the accession of the Kashmir State to the Indian Union?

As the members of the Security Council already know, on 26 October, the accession having taken place, Indian troops went into Kashmir, the first troops being landed from the air on 27 October 1947, and went into action, drove the raiders a little back, right up to Uri, and then a little beyond that. But the position is this: what the raiders had done in various parts of Kashmir territory, which I have already partly described this morning, created a feeling of bitterness and revenge among various Hindus and Sikhs in the State. That feeling of revenge was fostered by the fact that these were Muslim invaders who had come from the north, and who had pillaged and looted their homes, and murdered them and their women. It was that feeling which resulted in the first killing in the Kashmir State by Hindus and Sikhs, which occurred on 4 November 1947, about a week after the raid. That is the only killing, of any moment, which occurred at all in Kashmir.

Is it not, then, preposterous to suggest that this killing, which took place after the raid, was, as the representative of Pakistan would have it, the cause of the raids which took place in Kashmir? This killing took place under the following circumstances. A convoy of Muslims, which was guarded by State troops, was attaked at Jammu by Hindu and Dogra raiders, and it was in this attack that a large number of Muslim lives were lost. But it should be made clear that this convoy was in the charge of State troops; there were no Indian Union troops at all guarding that convoy, and the Indian Union had no responsibility for the safety of that convoy.

On 6 November 1947, two days later, another Muslim

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convoy passed, and it was guarded by the troops of the Indian Union. Again, there was an attack on that convoy, which was passing through Jammu. That attack was repelled by the Indian troops who inflicted a large number of casualties on the Hindu and Sikh attackers.

In that connexion, I shall read from a telegram, dated 26 December 1947, from the Prime Minister of India to the Prime Minister of Pakistan. The relevant portion is as follows:

> "I have already expressed my regret to you for the attacks on the convoys in the Jammu area that took place on 4 and 6 November. The Indian Army had nothing to do with these. On the contrary, it took most vigorous action against attackers, killing 150, seriously injuring 200, and arresting 500. Ever since, they have fully controlled the situation and nothing of the kind you mention has happened. Your telegram, therefore, has absolutely no relation to facts or to anything that has occurred since the Indian Union troops been have functioning in Jammu. Muslim life is perfectly safe in Jammu."

The Security Council will notice that, with the exception of this one event that took place on 4 November 1947, which I have already described, there has been no excess of any kind against the Muslims since the Indian troops entered Kashmir, and nothing can be charged against the Indian Union or the conduct of their troops in their occupation of Kashmir for the purpose which I have already mentioned. In fact, it is the presence of the Indian troops which has been instrumental, in a great measure, in preventing occurrences of this kind against the Muslims in the Kashmir territory.

On the contrary, events have occurred which have shown that large masses of the Hindu and Sikh population in Kashmir have been attacked and annihilated, partly with the assistance of raiders from the Province of West Punjab. On 18 November 1947 there occurred a massacre by raiders at a place called Rajauri, which is in the Kashmir State near the borders of West Punjab. The city had a population of 12,000 Hindus and Sikhs, and the entire population was annihilated. I now wish

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to refer to an account of that happening which appeared in the *Hindustan Times* dated 18 November 1947 and was sent from Srinagar. It reads as follows:

> "Rajauri has fallen into the hands of Muslim raiders from Pakistan supported by about 500 armed Muslim military deserters of the Kashmir State Forces....The entire population of about 12,000 Hindus and Sikhs has been annihilated."

This was followed on 25 November 1947 by an attack against Mirpur, which is in Kashmir territory, by Pathan raiders from West Punjab. Out of a total of 13,000 non-Muslims, 2,000 were destroyed.

A telegram dated 2 December 1947 from the Prime Minister of India to the Prime Minister of Pakistan reads as follows:

> "I have received information that Mirpur town has been completely destroyed, and out of 13,000 non-Muslims, only 2,000 have reached within fifteen miles of Jhelum. The fate of these refugees, as well as of about 3,000 from the rest of Mirpur area, is not known, but there are reports that large numbers of abducted Hindu women have been brought into Jhelum districts by Pathans. The Pathans are causing panic among non-Muslim refugee pockets in that district and, firing indiscriminately, they shot dead a Mahratta soldier the other day."

In addition to the two massacres I have mentioned, there is a town named Bhimbar, also in Kashmir territory, which was sacked and destroyed. So the picture we have is as follows: excepting the one event of 4 November 1947, which I have already mentioned, where a Muslim convoy was attacked, there has been no molesting nor any killings of Muslims, whereas the raiders have, in Kashmir territory itself, and apart from the attack on the north which I described this morning, looted and massacred Hindus and Sikhs in the towns which I have already mentioned.

Sheikh Mohammad Abdullah whom I have mentioned, in these difficult circumstances still worked for restoring peace and

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harmony in the Kashmir State. Here is what he said, as was reported in the *Hindustan Times* on 24 November 1947 and which was dispatched from Jammu on that date:

> "I have always believed in the theory that Hindus, Muslims and Sikhs are one. We are all Hindustanis and Hindustan is the land of us all. I do not say so to please anybody. I have unflinching faith in this truth. I have regarded the partition of the country as poisonous for all. Some Muslims used to abuse me for my views, but I never felt disheartned. The slogans of *Zindabad*[1] do not please me nor do the slogans of *Murdabad*[2] displease me. I regard those Muslims as traitors who want to establish Islamic rule in this State. But those Hindus who want to have Hindu rule here are likewise enemies of the Ruler and the State.
>
> "If I regard the Muslim National Guards dangerous for the independence of India, nothing can prevent me from saving that the *Rashtryia Sangh*[3] is also equally dangerous. So long as I am alive I shall not tolerate any communal organization. I want to see His Highness the Maharaja as the Ruler of Jammu and Kashmir, and not of the Jammu Province alone."

That is the attitude Sheikh Abdullah has taken and maintained, even after the troubles which Kashmir went through in October and November and which I have described.

On 29 October 1947, this is what *The Statesman*, the British-owned newspaper in New Delhi and Calcutta, said in an article written by the special correspondent in New Delhi:

> "Sheikh Mohammad Abdullah is now head of the Interim Government of the State. He has been invited to fill this position by the Maharaja of Kashmir against whose personal rule he agitated for sixteen years, six years of which were

1. Long live. . .
2. Cursed be. . .
3. A Hindu military organization.

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spent in gaol. Modern political history of Jammu and Kashmir is synonymous with the life story of Sheikh Mohammad Abdullah. From 1931 onwards, he more than anyone else, reflected the hopes and aspirations of the State. He is the hero, as well as the author, of the political drama which has been enacted on the political stage of the State ever since he made his inaugural appearance on it....The Sheikh's rise to power is based on unflinching faith in his own mission, personal integrity, and ever-readiness to suffer for his views. He has never used personal influence for personal ends. The Sheikh associates himself with the life of the lowliest. So great is the admiration of his followers in the Kashmir Valley that I have seen people kiss his foot-prints."

That is the person who has, apart from the Ruler, invited the Indian Union to accept the accession of the Kashmir State; and the Indian Union, acting on the request of both the Maharaja and this popular leader, has accepted the accession on the condition which I have already mentioned. That is the whole story of the accession, and I submit, as I have already stated, that there is nothing improper or incorrect with reference to the accession.

The argument and the thesis which the representative of Pakistan has submitted is based on the theory the Maharaja wished to exterminate the Muslims. It is difficult to ask the Security Council to accept a theory that the Maharaja—assuming that he is a powerful Raja, which he is not—could ever think of exterminating 80 per cent of his population. That is what the Security Council is asked to believe. That is a theory which does violence to ordinary canons of inference, construction and belief. It is impossible to imagine that any plans could have been made by the Maharaja for the extermination of 80 per cent of his subjects, or that he could have nurtured them or carried them through at all.

If, as has been suggested, the Maharaja was out to exterminate his Muslim subjects, would he have, as he has done, put Sheikh Abdullah, a Muslim and a popular leader, in charge of the Administration? We have it that after the Sheikh's release

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and after the accession, he was the head of the interim administration. Is the Maharaja to carry out his policy of exterminating Muslim subjects with the assistance of this popular leader Sheikh Abdullah, himself a Muslim? That is the exaggerated and extraordinarily fanciful position upon which the Security Council is asked to base its consideration, and from which it is asked to proceed.

That completes the background with regard to Kashmir itself.

The representative of Pakistan referred to the alleged killing of the staff of the postal employees in the Jammu and Kashmir State, suggesting, apparently, that it was someting the responsibility for which rested with the Government of the Indian Union. As to the killing of the staff, so far as the Indian Union is concerned, we have denied the fact of these persons having been killed at all, and that was stated in a telegram, to which attention has already been called by the representative of Pakistan. The matter rests there. The representative of Pakistan read a report, of which he did not mention the source, which set forth various facts as to these alleged murders. There is no authentication of that report. We are not told who is the author of this report, or how the alleged information has been obtained and from what source. In the circumstances, there is no reason why the denial of the Indian Government, based on inquiries made by it, should not be accepted.

Much has been said by the representative of Pakistan as to the conduct of the State of Jammu and Kashmir in the correspondence which it carried on with the Government of Pakistan and its alleged failure to come and sit down to negotiate with Pakistan in regard to economic difficulties which the State of Jammu and Kashmir was experiencing. I am not concerned here with defending the conduct of the State of Jammu and Kashmir, but I wish to point out that the invitation which was extended to the Prime Minister of the State to go to Karachi and interview the Government of Pakistan, was by a telegram dated 20 October 1947, which telegram reached Kashmir on 22 October 1947. Those dates are very eloquent. It will be remembered that on 22 October, the day this telegram reached

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Kashmir, the raiders had already entered Kashmir territory and the area of Muzaffarabad had been sacked. To suggest seriously that Kashmir should go and negotiate with Pakistan in regard to its economic difficulties when Kashmir had already been invaded cannot for a moment be accepted.

It reminds one of many historical instances. It is like Mr. Benes or Mr. Schuschnigg being invited by the Nazis to negotiate when attacks on their territory had already been planned or had been carried out. And to expect the Prime Minister of Kashmir to go to Karachi for discussions when his territory was being looted and the houses of the inhabitants were being burned, is altogether insupportable. It is a technique which can be summarized, if one wants an expression, as the Pearl Harbour technique.

In regard to the accession, if I may go back for a moment, I wish to draw attention to a document which clearly shows that there was no question of the accession of Kashmir to the Indian Union being pre-planned. But that, it will be remembered, was the allegation made: that this was what India had been secretly planning and organizing. That is answered by a document signed by the Commander-in-Chief of the Indian Army, General R.M.M. Lockhart; the Air Marshal Commanding the Royal Indian Air Force, T.W. Elmhirst and the Rear Admiral of the Royal Indian Navy, J.T.S. Hall. This statement by the Chiefs of Staff says:

> "It has been alleged that plans were made for sending Indian forces to Kashmir at some date before 22 October, on which day the raid on that State from the direction of Abbottabad began.
>
> "1. The following is a true time-table of events, as regards decisions taken, plans made, orders given, and movement started in this matter:
>
> "2. On 24 October the Commander-in-Chief, Indian Army, received information that tribesmen had seized Muzaffarabad. This was the first indication of the raid.
>
> "3. Prior to this date, no plans of any sort for sending Indian forces into Kashmir had been formulated or

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even considered. On the morning of 25 October, we were directed to examine and prepare plans for sending troops to Kashmir by air and road, in case this should be necessary to stop the tribal incursions. This was the first direction which we received on this subject. No steps had been taken, prior to the meeting, to examine or prepare such plans.

"4. On the afternoon of 25 October we sent one staff officer of the Indian Army and one of the Royal Indian Air Force by air to Srinagar. There they saw officers of the Kashmir State Forces. This was the first contact between officers of our Headuarters and Officers of the Kashmir State Forces on the subject of sending Indian troops to Kashmir.

"5. On the afternoon of 25 October we also issued orders to an infantry battalion to prepare itself to be flown, at short notice, to Srinagar, in the event of the Government of India deciding to accept the accession of Kashmir and to send help.

"6. On the morning of 26 October the staff officers mentioned in paragraph 4 above, returned from Srinagar and reported on their meetings with officers of the Kashmir State Forces.

"7. On the afternoon of 26 October we finalized our plans for the dispatch by air of troops to Kashmir.

"8. At first light on the morning of 27 October, with Kashmir's Instrument of Accession signed, the movement by air of Indian forces to Kashmir began. No plans were made for sending these forces, nor were such plans even considered before 25 October, three days after the tribal incursions began."

That, I submit, completely negatives any theory of pre-planning or conspiracy such as has been suggested by the other side. All that happened was that after Kashmir had been invaded on 22 October, and the Indian Union Government having been

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approached, the matter of accession was deliberated on 24 and 25 October. A decision as to accession was taken on 26 October, and troops were flown to Srinagar on the morning of the 27th. That is the chronology of events in regard to the dispatch of troops.

It has been suggested and, indeed, it has been a ground of complaint, that the Government of Pakistan was not informed of the intended dispatch of troops. My answer is that there was no need nor obligation to inform the Government of Pakistan of this dispatch of troops to the Kashmir State. The accession had made it a part of the Indian Union. The territory of Kashmir was in dire peril, the capital being threatened with looting and destruction, and I submit that in that emergency there was no question of informing Pakistan or of taking any prior steps in consultation with Pakistan concerning the dispatch of troops. Indeed, the Indian Union would have failed in its duty to the State which had acceded to it had it waited to consult Pakistan, because the result of such consultation would surely have been delay which would have ended in the sacking of Srinagar, just as Baramula had been sacked a few days before. There was no time to be lost and the troops were sent by air, as I have already stated.

It has been said that repeated attempts were made to arrive at some settlement of this matter with the Indian Union, but that the attitude adopted by the Indian Union was a refusal to negotiate such a settlement. That is unfounded, as can be seen by anyone reading the correspondence which forms part of the documents which have been placed before the Security Council. I do not intend to read all that correspondence since it has already been read in part, but it brings out clearly the fact that the Indian Union repeatedly asked for the co-operation of Pakistan in driving out these raiders. We asked Pakistan to make a public declaration disapproving the conduct of the raiders in the hope and the belief that such a declaration by that Government would act as a deterrent to the raiders. No such declaration was made and no co-operation was forthcoming. Far from there being a refusal to negotiate on our side, it has been the attitude of Pakistan which has effectively

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prevented any effort to stop the infiltration of the raiders and, eventually, the invasion by them.

In our report to the Security Council we made numerous specific allegations showing Pakistan's aid, direct and indirect, to the raiders. Many of these allegations have remained undenied. It will be recalled that we alleged the use of military hospitals for the benefit of the raiders, and that has not been denied. We referred also to statements to the effect that the Prime Minister of the North West Frontier Province was the chief organizer of this rebel force of raiders. No denial has been forthcoming on that point, and, on the contrary, suggestions have been made by the representative of Pakistan that, after all, the Government of Pakistan could take responsibility only for official actions and would not be affected if some of its officials, however important, took part in these movements on their own initiative as private citizens. My submission is that that is an absolutely untenable position.

Again, we referred in our statement to a dispatch showing admissions made by regular officers of the Pakistan Army as to the true position. Neither has that been denied. Reference has been made to documents recovered from members of the 16th Punjab Regiment of the Pakistan Army, and no reply has been given to this. It will be remembered that we mentioned documents, pay-books and driving licences belonging to Pakistan nationals found with raiders who were killed or captured. In this case the answer has been, "Well, the Pakistan Government cannot be responsible for the conduct of its nationals and citizens. If, out of sympathy for the alleged movement of the people of Kashmir, they wish to rush into Kashmir, the Government of Pakistan cannot prevent them from so doing."

At another point we referred to large training camps at Sialkot where raiders are trained and issued arms, ammunition and uniforms before going to the front. This was based on the statement of a prisoner. Save for a vague and general denial, there has been no answer to that charge, and nothing has been said in reply to observations made by foreign correspondents—one of them being Alan Moorehead of the London *Observer*—which actually asserted that recruiting for Kashmir was going

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on in Pakistan. According to us, vehicles belonging to the raiders are being repaired in Pakistan repair shops, and that again is a charge which remains unanswered.

In view of this position it is perfectly clear that the charge of direct and indirect assistance which we have put forward against Pakistan is, in broad outline, substantiated. It has been suggested that the officers who command these raiders, and who conduct them in a regular military fashion unlike that of the tribesmen, are to be found among 65,000 soldiers who inhabit Poonch. I submit that is a totally unfounded suggestion. It is true that there is a large number of ex-soldiers in Poonch, but how can they possibly include sufficient officers to man this large force of raiders which I described? I submit that the large body of officers necessary to lead this military formation could not be drawn from the ex-soldiers in Poonch, as has been suggested.

It has been said that frontier tribesmen need no training and that, taught from birth to carry rifles, they learn to shoot when they are children. That is true; it is not disputed; but shooting with rifles is quite different from fighting in an armed force. They are not trained for an armed force. They are not trained to throw grenades, fire mortars, handle 3.7 howitzers, man wireless sets, place mines in bridges, blow up roads, etcetera. It is idle to suggest that the tribesmen, having learned to handle rifles, have had sufficient military training to be parties to the warfare which we say is taking place in Jammu and Kashmir at the moment. That is our position in regard to the fighting in Jammu and Kashmir.

The most recent estimate of what is really happening is to be found in an issue of *The Times* of London dated 13 January 1948, in the material portion of which a correspondent states: "That Pakistan is unofficially involved in aiding the raiders is certain. Your correspondent has first-hand evidence that arms, ammunition and supplies are being made available to the *Azad* Kashmir forces. A few Pakistani officers are also helping to direct their operations.... And however much the Pakistan Government may disavow intervention, moral and material support is certainly forthcoming."

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I submit that this statement truly depicts the position of Pakistan in regard to Kashmir as it has existed ever since the raids commenced, and as it exists today. That is the situation which I ask the Security Council to remedy at as early a date as possible by the adoption of all possible measures for this purpose. I believe that we have placed before the Security Council such prepoderant factual and circumstantial evidence as to justify our request to the Security Council to give to the Government of Pakistan the directives for which we ask. As the Council knows, we request the Security Council to deny to the invaders access to and use of Pakistan's territory, to deny to them military and other supplies, and all types of aid, to prevent the Pakistan Government personnel, military and civil, from participating in the invasion of the State, and to call upon all Pakistan nationals to desist from taking any part in the fighting in Kashmir and Jammu Provinces.

I have already summarized our entire position. I do not wish to repeat anything which I have said. All that I stated is fresh in the minds of the members of the Council. We stress the urgency and immediacy of the situation, because it is difficult to forecast how a military situation may develop and tend to widen the area of conflict.

My Government has repeatedly assured the Security Council, and I give the assurance once again, that it desires a peaceful solution to the Jammu and Kashmit situation.

(SCOR, 3rd Year, Mtg. No. 234, pp. 208-226)

Note: The above statement was corrected by Mr. Setalvad as under:

I wish to make a correction as to a date which I gave to the Security Council which the representative of Pakistan has pointed out to me to be incorrect. I stated to the Security Council that the announcement of Master Tara Singh was made some time in April 1947. The representative of Pakistan has pointed out that the correct date is February 1947, and I accept the correction.

(SCOR, 3rd Year, Mtg. No. 234, p. 208)

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88. Text of the Speech of Sir Mohammed Zafrullah Khan, Representative of Pakistan in the Security Council Meeting held on 24 January 1948

My learned friend who addressed the Security Council yesterday [*232nd and 234th meetings*] on behalf of India is a very eminent advocate; in my view, he is the most eminent advocate practising in India today. I have always esteemed him not only as a very able, but as a very fair-minded, advocate. He strove very hard yesterday to persuade me to modify my opinion of him with regard to his fair-mindedness. However, I concede that this is an exceptional occasion and, in spite of the very harsh adjectives that it pleased him to apply to my speech, I shall continue to entertain of him the opinion I have always held.

He started by charging me with certain mis-statements. The first one had to do with Brigadier Khuda Baksh of the Jammu Army. I stated that an Associated Press report had announced his assassination. We are very glad to hear that this report was erroneous. But I made no mis-statement: that report had been made and we were not aware that it was erroneous. We are glad to learn that it was wrong.

The representative of India then charged me with having tried to create a wrong impression in the minds of the members of the Security Council with regard to what occurred with reference to my own home. I wish to make it clear that the reference to my own home was not by way of a specific complaint or grievance as to what had occurred. Where millions had lost their homes and all they possessed, and had gone through various stages and degrees of suffering and misery, it would have been out of place to mention the loss of one's own home. I mentioned it as an instance where one knew what had occurred, and yet the Government of India had chosen to deny altogether that anything had occurred. I mentioned this as an instance of the fact that this kind of happening had gone on and had altogether been denied, and I am afraid the same thing has happened over again. To try to tell me that, except

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for a few articles that may have been removed, nothing has occurred, is an attempt which it is difficult to characterize.

What actually happened is that this house was looted by the military and by the Sikhs for five days between 27 September and 1 October. It was a large house with nine bedrooms, eleven bathrooms, six reception rooms, offices, garages, a bungalow for the manager, five acres of garden, an orchard, and so on; therefore, even the looting could not be completed within a very short time.

By the sheerest coincidence, last night a Delhi newspaper came to my attention, in which I noticed the second instalment of incidents that took place at Qadian, where my home was, and which, incidentally, is the headquarters of a religious movement having missions all over the world. This second instalment describes incidents No. 31 to No. 46 that occurred during this period.

I might mention that, at my request and that of other prominent members of this particular movement, the Government of India sent a detachment of troops to be stationed there to give us protection, and it also sent in additional police. I shall mention three or four of these incidents to show what, under this protection afforded to us, was happening at this place. One incident reads as follows: "On 22 September, the police and military searched houses of the head of the movement and of his brothers from 6 o'clock in the morning until 11 o'clock. Everything was ripped open; locks were broken, and the police and the military rushed into the women's apartments without notice. Nothing objectionable was discovered, but all arms, every one of which was licensed, were removed and taken away and have not yet been returned."

The rushing of police and military into the women's quarters is an outrage which can properly be appreciated only by those who are familiar with the ways of living of respectable families in the East.

Incident No. 34 reads as follows: "On 24 September, the police searched houses in the quarter called Darush Shukur, and though they found nothing objectionable, they took away ornaments, cash and other articles worth thousands of rupees,

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and five young girls belonging to the refugees, who were subsequently returned."

Incident No. 35 reads as follows: "On 25 September, four Muslim refugees who were staying in a house called Ashiana Mubarik, in a quarter named Darul Anwar, were shot by the police and their women were taken away."

Incident No. 36 reads as follows: "On 27 September, 5,000 cattle, belonging to the refugees who were in a camp"—at this place Qadian—"were stolen by the Sikhs, with the help of the police, along with the cars and other vehicles which the refugees had engaged in order to make their trek."

Incident No. 37 reads as follows: "Zafrullah Khan's house, Baitul Zafar, in the Darul Anwar quarter, was"—and the paper itself mentions it—"except for a few articles, looted by the military. This looting continued for five nights. Every night, military trucks came and rolled up the furniture and other articles, and took them away. The ponies and the cattle were also looted."

Incident No. 38 reads as follows: "On 29 September 1947, Moulvi Ahmed Khan Nasim, in charge of local missions, and Moulvi Abdul Aziz, in charge of intelligence, were arrested on the charge of robbery."

Incident No. 39 reads as follows: "On 29 September 1947, several other houses in the Darul Anwar quarter were looted, including the houses of Colonel Dr. Ataulla, Assistant Director General of Medical Services, Pakistan; Abul Hashim Khan, retired inspector of schools; and Abdul Rahim Dard, ex-missionary in charge of the mission in London."

Incident No. 40 reads as follows: "On 30 September 1947, the police issued an order to the local scavengers to stop cleaning and scavenging the houses of the Muslims, the result being that the privies could not be cleaned, which led to a very undesirable situation."

Incident No. 43 reads as follows: "On 2 October 1947, the police, under orders, stopped the grinding of corn in the mills at Qadian, belonging to the Muslims, with the result that the Muslims who were surrounded in Qadian, which included women and children and old people, were for many days

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compelled to eat boiled wheat, which led to many cases of disorder and disease."

Incident No. 44 reads as follows: "On 2 October 1947, the Talimul Islam College and the Fazle Umar Technical Institute buildings, their furniture, machinery and instruments were taken possession of by the police and faculties were expelled therefrom."

It is needless to multiply incidents, but this gives a sort of detailed picture of the kind of thing that was being done by the police and the military. It is all very well for the representative of India to say it was a case of "mass frenzy,"—but this is no case of mass frenzy—and to continue saying that nothing has happened. The representative of India admitted that the Muslim population of a place where there was a total population of 15,000 of which 13,000 were Muslims, had now been reduced to 300. But he waves that aside by saying, "Well, that has happened in many places in West Punjab, too." That is a typical case of two wrongs not making a right.

The representative of India invited attention to the massacre of the Postal staff in Jammu, which had been alleged by us. He said, in effect, "The matter rests at this stage: we deny that it has happened." I was told that I had not cited the authority for my allegation that these massacres had taken place. I shall cite the authority, which is memorandum INV/R-57/2 dated 10 December 1947 from the Postmaster-General, Lahore, to the Director-General, Posts and Telegraphs, Pakistan, Karachi, under the heading "Massacre of Postal staff in Jammu." The memorandum says: "Reference your DO, number E69-5 Kashmir/47 and this office's endorsement, INV/R-57/2 dated 5 November 1947, the Superintendent of Post Offices, Sialkot Division, has now reported the information received by him."

That is the full title of the document from which I quoted. It is an official document made after an investigation and inquiry. That again is an illustration of the attitude adopted by the Government of India towards incidents of this kind. Details are given, but the reply is that the incidents have not occurred.

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The representative of India went on to deal with the origin of communal clashes and riots. I shall not follow him into another detailed description of them again. The Security Council has heard enough of that, and when the Council goes on to the consideration of the complaint filed by the Pakistan Government [*document S/646*] it will hear more details about these matters. But a few comments on some aspects of the question are necessary.

The representative of India invited attention to what had happened in Calcutta. I was surprised to hear that the allegation is that the killing in Calcutta was started by the Muslims. The whole matter was the subject of a judicial inquiry; a commission was set up. The representative of India said that inquiry had been stopped after 15 August. But a postscript must be added to that. That inquiry was stopped by the West Bengal Government. The West Bengal Government is a Congress Government.

I tried also to follow the evidence that was being introduced before that commission, and on one point at least, the evidence left no doubt that the first day's killings were started by the Hindus, and that, of the people admitted to the hospital during the first day, the overwhelming majority were Muslims. This was particularly the case in one quarter in North Calcutta. A Hindu landlord there, being anxious to get rid of his Muslim tenants in small huts and cottages in order to clear the city so that he could build flats and offices on the site, deliberately started a campaign of killing them, and they were practically wiped out. The evidence revealed that there were a lot of narrow lanes in this quarter running into each other, that these people were butchered and that a large number of them were killed because they had no way out of that maze of lanes.

Calcutta was followed by Noakhali where, most deplorably, there was undoubtedly a killing of Hindus. The then Governor, Mr. Burrows, estimated that as many as 200 had been killed, and that many had been what has been described as "forcibly converted".

These incidents were followed by Bihar. At a very modest estimate, the number of killed was 30,000 Muslims. Entire

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villages were completely burned and destroyed, and the whole thing showed a deliberate plan to wipe out the Muslims in those areas.

In Garhmukteswar, on the occasion of the Holi Festival of Hindus on the banks of the Ganges, which I previously mentioned, large numbers of Muslims were killed, including Muslim officers who were on duty to help the Hindu festival-makers, to look after their health, and to make police arrangements.

But these were, after all, a part of the history of communal clashes and riots. Coming back to the nearer questions, the representative of India showed a certain amount of ingenuity in dealing with the situation. He said that I had complained that Muslims had been wiped out altogether in the States of Bharatpur and Alwar, during the killing which started there in the months of June and July of 1947; that this was done by the military forces of the Rulers, and that it was not a case of communal clashes and riots, these people having been killed and expelled under the orders of the Rulers by the military forces of the Rulers. The representative of India says, "the Government of India has no responsibility in that respect inasmuch as these States did not accede to the Indian Union until after the middle of August."

I have said that his reply is ingenious. In the first place, the killings and the expulsions went right on into September. In the second place, the accession was accepted by the Governor-General, and he could have made it a condition that they should put their houses in order. In the third place, the Indian States were not permitted and are not permitted to have foreign relations. Their foreign relations, even at that date, were carried on through the then Government of India, and since then have been carried on by the Government of India. Therefore, any responsibility in that respect with regard to what the remedy should be still lies with the Government of India.

But the representative of India said not one word—not one—with regard to the terrible killings in Kapurthala, for instance, which have reduced the Muslim majority population of that State to zero. The State of Kapurthala had acceded to the

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Government of India when these killings took place. And he said not one word with regard to Faridkot, Jind and Patiala, where the Muslim minority had been wiped out altogether at a time when these States were in accession to the Government of India.

We now come to East Punjab. The representative of India referred to the speech of the Sikh leader, Master Tara Singh, who, while standing on the steps of the Legislature in Lahore, drew his sword out of his scabbard, brandished it, and said: "The question whether Pakistan shall or shall not be established shall be decided between the Muslims and the Sikhs by the sword. We have been aware of this danger that has been threatening us. We have taken our measures. Our volunteers are ready." The representative of India said [*232nd meeting*] that this speech had taken place in the middle of all the trouble. I wish to inform the Security Council that this speech was made on 28 February. Up to then, no communal clashes had occurred in East or West Punjab at all.

The representative of India accepted the date of 28 February, but he would not accept the latter part of my statement. However, this is a question of historical fact which can easily be ascertained. I said that this speech by Master Tara Singh was followed by similar speeches made by other Sikh leaders, among them Giani Kartar Singh, that evening or the following evening in Kapurthala House in Lahore. These speeches were in the same vein, threatening the Muslims with being driven across the Indus towards the northwest. These speeches were followed, on 2 March in Multan, by the speech of Nanak Singh, the local Sikh leader, who said that that year, the Sikhs and the Hindus desired to "play Holi." This, as I explained, is a Hindu festival which was due to occur within two or three days. It is a sort of carnival where people sprinkle each other with, among other things, red water. Nanak Singh said that they desired to "play Holi" this year not with red water but with red blood. These statements and the statements made at Multan and Rawalpindi were followed by riots in which Sikhs were killed. The representative of India has put the cart before the horse in saying that these speeches were the results of these riots. These

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speeches were made before these riots, and brought them on. It is an historical fact. However, what distinguishes the happenings in West Punjab from those in East Punjab is that in West Punjab these riots occurred in March and were speedily controlled. Then, there were stray incidents, and, later on, in the latter half of August and September, after the East Punjab killings, there were retaliations. However, they were, when their elements are studied, exhibitions of mass frenzy. In East Punjab, there was a regular organized campaign which was carried out thoroughly, sector by sector.

I have given the Security Council some indication with regard to Qadian itself. However, that was one of the least of the incidents that occurred in East Punjab. But even in East Punjab, these incidents have not yet stopped. They continue. Ajmer is the scene of the latest incident. The representative of India drew attention to Ajmer. After stating what in his view had happened, he gave a curious reason as to why complete protection could not be given to the Muslims. He said: It was difficult to afford complete protection to the Muslims in Ajmer as there are two factions of Muslims among whom there is some dispute with regard to the management of this shrine.

The representative of India will forgive me when I say that I am utterly unable to follow this argument. On previous occasions, when I have had to appraise his arguments I have never had that difficulty. This is the first occasion. I see no connexion between failure to give protection and the excuse that is put forward that there is some dispute between two factions of Muslims with regard to the management of the shrine, and that, therefore, they cannot be protected completely from being killed by the Hindus.

Then, the representative of India said that there were recent events, one in West Punjab and one in Upper Sind, which showed that similar things were occurring in West Punjab also. If it is meant that incidents unfortunately continue to occur, that has not been denied. If it is meant that in these riots in the predominantly Muslim areas, the non-Muslims are made victims, that has not been denied. All this has been amply stated and deplored by me in my speech. However,

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when incidents are cited as rather wiping out other incidents, that is what I take issue with.

At Gujarat, large numbers of people were killed on a train. In this morning's *New York Herald-Tribune* there appears under the heading "The 'War' for Kashmir", a statement by Margaret Parton concerning different incidents. In the course of this statement, to which I shall also draw attention later in connexion with Kashmir, she states that she went along with a party of other reporters to these areas. She says: "Just outside Gujarat a group of tribesmen and villagers stood beside four mutilated corpses. Since such sights are still common in this most uncommon country, we didn't halt the car. Much later we learned of that morning's Gujarat train massacre in which 174 non-Muslims and 30 tribesmen had been killed."

Again, this is most deplorable. The loss of a single life under circumstances of that kind is to be deplored. I do not seek to minimize incidents of that kind, but it does not help to exaggerate the numbers involved. On the other hand, compare that incident with the train incidents that occurred in Amritsar on 22 September. A train was carrying Muslim refugees under escort of the troops of the Government of India. It was attacked at Amritsar by a Sikh mob. The escort troops of the Government of India refused to fire upon the mob. The only person who did fire was the British officer in charge of the escort, and he was killed. It is not clear whether he was killed by the attackers of the train or whether by members of his own escort. This train contained 4,500 refugees. Over 3,000 were killed. Over 1,000 were seriously injured. When the train arrived at Lahore, a bare hour's journey from Amritsar, only 200 people came out of the train entirely uninjured. But it is not the numbers that matter so much, though the numbers are bad enough. It is the behaviour of the escort, an escort that was there to protect those unfortunates whom they were escorting. We have not yet heard how that escort has been dealt with by the military authorities responsible to the Government of India.

Again, reference is made to Karachi, where another very deplorable incident took place. Some Sikhs from Upper Sind

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arrived there, contrary to the arrangements made between the Sind Government and the High Commissioner for India, and without even giving notice to the latter, who was aware that, in the conditions which prevail just now, the sight of a Sikh to Muslim refugees who had suffered at the hands of Sikhs in East Punjab would be very provocative. The Sikhs arrived, hired hackney carriages, and proceeded through the streets of Karachi to their camp. This caused a great deal of excitement and led to a most regrettable incident in which between sixty and eighty persons were killed and several houses looted. Once more the military, as soon as they arrived on the scene, secured complete control of the situation. A curfew was clamped upon the town, ministers and others personally helped to put down the rioting, and within two hours order was restored and has since been fully maintained.

In this connexion I should like to draw the attention of the Security Council to a statement issued by leading non-Muslims of Karachi concerning the attitude of the Government in regard to this matter. After setting out details of the incident and the looting which took place, they say:

> "Though in deep distress, we consider it our duty to place on record our sense of gratitude to all those men and women—Sindis and non-Sindis—who helped to put down the disturbances and, at the time of need, gave protection and shelter to those affected in the looting. In this connexion we cannot but mention three persons who did the greatest service in promptly restoring order in the city: Mr. A. M. Khuro, the Prime Minister of Sind, who worked day and night and showed determination and courage; Major-General Akbar Khan, G.O.C. Sind area, and Mr. Kazem Raza, Additional Inspector-General of Police, Karachi City. We are also grateful to the rank and file of the military and Muslim National Guards, Karachi, who have done their duty and acquitted themselves very honourably. Lastly, we have no words for giving sufficient thanks to Sindi Muslims, including our Makrani and Baluchi brothers who, like our good neighbours, without any hesitation gave every possible assistance to the distressed. We are also

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grateful to the Pakistan Government ministers and the Sind Government ministers for their real sympathy and extreme help."

They had already explained that the occurrence was due to the refugees in Karachi, and that the people of Karachi themselves took no part in it.

That is the kind of picture on which we have based our allegations with regard to what has gone on and what is still going on in certain areas of the Indian Dominion. It was said that there were large areas where people are at peace. I have not denied that; in fact, I have admitted it. I have confined my charge to East Punjab, to the State bordering it, and to certain areas in Rajputana, but the evil has been spreading, and it can be checked only if appropriate action is taken.

Compare the conditions in Karachi with what has been going on in Delhi ever since the beginning of September and continues even today. It was sought to argue that Mahatma Gandhi was doing everything in his power to bring about peaceful conditions. That is admitted, and we are indebted to Mr. Gandhi for all the efforts he is making. He even announced a fast unto death in order to bring about a reconciliation between the communities, and we give him full credit for it. That which he has achieved as the result of his fast is very laudable and much to be grateful for, yet it indicates exactly what the conditions are in Delhi. What he has secured by his fast is the agreement of the Government of India and the Muslims and non-Muslims that the following seven things shall be done:

1. That the annual Muslim ceremony at the Mehrauli Shrine near Delhi be permitted—"be permitted", meaning that it was not so far being permitted. Mahatma Gandhi had to undergo a fast to secure that for the Muslims.
2. That non-Muslims vacate mosques, which means that mosques are occupied by non-Muslims, either as places of residence, refuge or whatever it might be. The

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mosque is the equivalent of a church, chapel or cathedral for Muslims, according to its size.

3. That the Muslims of Delhi be assured of their safety.
4. That Muslims who have migrated from Delhi be made welcome to return—which is one of the things we are seeking to secure for both sides.
5. That Muslims be assured of safe travel on trains.
6. That there be no social boycott of Muslims.
7. That the Muslims in Delhi receive freedom to choose localities in which to live, instead of being forced into certain neighbourhoods; in other words, instead of being forced into ghettos.

Those are the conditions to secure which Mr. Gandhi had to undertake his fast, and that is an eloquent commentary on the conditions which still exist in Delhi, the capital of India. The representative of India has argued that these are demonstrations of mass-frenzy, and that the root cause is the philosophy of hatred that has been preached by the Muslim League. That is too vast a subject to go into, and the roots lie buried very deep in history, but I will put this question: Why did it become necessary for the Muslim League to advocate the partition of India and to persist in that demand? And why was the Muslim League able to obtain the overwhelming support of the Muslims in India for that demand? In a word, it was because the Hindu exclusiveness and caste system resulted in discrimination against the Muslims in every walk of life.

After all, as I tried to explain to the Security Council in the course of my first speech [*228th meeting*], the Muslims were taking a great risk in asking for partition. In seven out of the eleven Provinces of India they were in a minority, and had a majority in only four. They were taking the great risk that as many as 35 million or 40 million Muslims would be left in India, but they did this for two purposes: first, in order to secure reasonable conditions of equality at least for their majority; and,

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secondly, in order to secure some kind of a balance. For these reasons they insisted on partition.

It has been said that this represents an ideology based upon religion. In the first place, I personally see nothing wrong if an ideology is based on religion, so long as it imposes no disabilities upon and entails no discrimination against other people. But the definition is not correct. This is not an ideology based on religion. Discrimination against the Muslims in India was being practised on the basis of religion, and in order to bring about an amelioration of those conditions, the proposal was that provinces in which the Muslims were in a majority should be allowed to form one State, and that provinces where non-Muslims formed the majority should be allowed to form another State.

If the one is based on religion, then the other is based on religion. But it is not based on religion because the Muslims never demanded, did not ask for, and did not support, any demand for the exchanges of population, so as to make one State entirely Muslim, and the other entirely non-Muslim. That might have smelled of being based upon religion. However, they said that the provinces, as they are, with a majority of Muslims should be allowed to form one State, and that those with a majority of non-Muslims should form another State, with mutual protection and safeguards for minorities. There is nothing non-secular based upon religion in this matter, except that the division throughout India has been religious. The Muslims formed a permanent minority in India, and if India had formed one Government, they would have been in the position of a permanent minority with no amelioration of their condition.

The division goes so far that, from the name of every person in India, provided one has the full name before him and is familiar with conditions, one can determine whether that person is a Muslim, a Sikh, a Hindu, a Christian, etc.

The Muslims, as I said, were in a permanent minority time and again. After the elective principle was introduced in local self-government in provincial legislatures, and later on in the central legislature, we found that, in mixed constituencies where there was a majority of non-Muslim electors, there was

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no chance of a Muslim being elected at all, unless in his politics he had identified himself with the Congress. I shall cite only one instance, which is striking. Under our University Act of—I forget the particular year, 1902 or 1904—the University of the Punjab, a Muslim-majority Province, had the right of electing eight members of the Senate through registered graduates. The Senate was formed differently, by nominations, but eight members of the Senate were to be elected from registered graduates. Among the registered graduates, there was a majority of non-Muslims. On no single occasion, with one exception, when a Congress Muslim was elected, was a single Muslim, out of these eight members of the Senate, ever elected. That is the type of thing which took place. The Muslims, in desperation, had to ask for a separation whereby in certain provinces in which they were in a majority they would have equal conditions; and in other provinces in which the non-Muslims had a majority, they could rule. It was an attempt first to save at least three-fifths of the Muslims from this kind of discrimination; and secondly, to bring about some sort of balance. There was no ideology based upon religion in this case.

The representative of India has argued, in relation to our allegation of planned genocide, that it would have been foolish of the Sikhs to have planned to draw out of West Punjab, where they have rich, canal-irrigated lands, into East Punjab; that there was no reason why they should have made such a plan. In the first place, the plan embraced those two rich districts which the representative of India mentioned: Montgomery and Lyallpur. However, he went on to say that the colonization there had been brought about by the Sikhs. That is not a wholly correct statement. The majority of the population were Muslims; the majority of the colonists were Muslims; the greater part of the agricultural area was owned by Muslims. However, there was no doubt about a strong Sikh element also being present in those districts.

I, myself, stated in my opening remarks that the Sikh is an excellent peasant and farmer. Undoubtedly the Sikh contributed very largely to the colonization of those two areas. But the representative of India, himself, when appearing before the

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Boundary Commission, argued that although these two districts were overwhelmingly Muslim in their population, they should be allotted to East Punjab, because there was a strong element of Sikh peasants in those districts. Fortunately, that argument was not accepted, but that was part of the plan—not his plan, but part of the Sikh plan to claim those areas. The plan was that, in whatever area they obtained in the East Punjab, they would try to set up a Sikh domination. I am sure that even the representative of India is not unaware of the conception, to which I shall later refer, of Sikhistan, the land of the Sikhs, or Khalsastan, the land of the Khalsa, Khalsa being another name for the Sikh group. Perhaps this plan was that in combination with the East Punjab States—Kapurthala, Faridkot, etcetera—which are Sikh States, and particularly under the hegemony of Sardar Patel, they should set up a Sikh State in all those areas. The plan was to drive out the Muslims from those areas, and to pull out the Sikhs from West Punjab, and put them there. They sought to put this plan into effect by means of this planned genocide.

Here is a note which states that this was a plan, and that this plan was known by the authorities beyond any doubt. This note contains a record of certain incidents which were recorded by the Prime Minister of Pakistan. Early in July 1947 a meeting was held in the Viceroy's house to discuss the measures necessary to combat the Sikh plans for creating widespread disturbances in the Punjab. The meeting was attended by Lord Mountbatten and others. At this meeting a British officer of the Punjab C.I.D. (Criminal Investigation Division) gave a detailed account of how the Sikhs were making elaborate preparations for creating widespread disorders in the Punjab. The evidence on this point was plentiful and reliable, and there could be no doubt as to the extent of the preparations being made by Sikh leaders, including the Rulers of some of the Sikh States. Lord Mountbatten stated categorically that he would use all the forces at his command to crush the disturbances. As an immediate precautionary measure, it was agreed to by all present—but reluctantly by Sardar Patel—that prominent Sikh leaders, including Master Tara Singh, the gentleman of the

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naked sword, should be arrested. The question was also discussed in the Partition Council in about the middle of July, and Lord Mountbatten again undertook to use all the forces at his disposal—aircraft, tanks, guns, etcetera—to crush any such movement. He stated that he had warned the Maharaja of Patiala and other Sikh leaders in the clearest terms. No arrests were made, however. A little later Lord Mountbatten stated that he had decided not to arrest the Sikh leaders immediately, but to arrest them a week before the announcement of the Boundary Commission's award. Later, he changed his ground again and said he would strike at them simultaneous with the announcement of the Boundary Commission's award, which he stated would be made on 11 August 1947 at the latest.

The award of the Boundary Commission was not announced until after 15 August, when Lord Mountbatten had become constitutional Governor-General, and had therefore lost all the powers he had as Viceroy. Then, on 10 July, in the Partition Council—and I am reading from the minutes of the meeting of that Council—Lord Mountbatten himself stated:

> "His Excellency reiterated that he had made abundantly clear to His Highness, the Maharaja of Patiala, and all other Sikh leaders with whom he had interviews, the consequences of any attempt to offer active resistance. No responsible Government will tolerate, for a moment, such action which would be met by the immediate employment of the regular armed forces of India. In view of the superiority in airplanes, tanks, artillery, etcetera, that the armed forces enjoy, such action would inevitably result in very severe losses being inflicted on those who would be armed only with rifles and automatic weapons. He affirmed his hope, therefore, that the Sikh leaders would be able to restrain their followers."

They were not able to restrain their followers.

It is surprising that the representative of India should have dismissed all of this yesterday by quoting a statement made by Lord Mountbatten in London that this kind of thing need not be exaggerated because, after all, the number involved was only

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12 million, which is but 3 per cent of the total population of India. I understand that 12 million is just about equal to the total population of the Dominion of Canada. There is no use in dismissing these matters by using percentages. The misery of a few human beings ought to excite sympathy, and if there is any remedy to be adopted, it should excite eagerness to adopt that remedy. To say that 12 million people are involved, but that they are only 3 per cent of the population and therefore do not matter, betrays a callousness of view which I would be reluctant to associate with Lord Mountbatten.

What we asked for is that there should be an investigation, and punishment of those guilty.

With regard to the States, we allege that both in the Bharatpur and Alwar States and also in the East Punjab States, their Rulers, their military forces and their Governments were all responsible.

With regard to the Government of India, we have not said and we do not say that the Government of India, as such, directed or carried out genocide. But we do say that genocide was carried out in large areas, that is to say, that there was an attempt to wipe out one group by another organized group; that the attempt has been successful; and that in the attempt the police and the military of the Government of India have helped actively.

What do we ask? We ask that, in addition to punishment, there should be restoration of homes and property to these 10 million people more or less, under conditions of security to be brought about under international observation; and that where there are cases for compensation, it should be made.

It has been said that similar things have occurred on the other side. If they have occurred we do not want to limit the inquiry only to one side. If similar things have occurred on the other side, we should welcome an inquiry and we should welcome the punishment of the guilty. We should welcome, in any case—whether those things have happened as a result of genocide or not—a combined joint effort under international supervision to restore people on both sides to their homes and

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to their properties, and arrangements to be made for compensation. I believe this is a fair enough request.

I now come to the matter of Kashmir proper. The representative of India, at the very beginning, made a complaint that some of their allegations had not been specifically dealt with by me in my speech. In order to satisfy his legalistic requirement, I now state that those allegations that have not been specifically dealt with by me, or may not be dealt with before the end of our discussions, are denied by my delegation.

With regard to bases, the representative of India cited one instance, and drew attention to the report of a military officer to the Chief Secretary to the Government of the North West Frontier Province, which stated that when he was in Parachinar he had observed or had information that in Parachinar people had collected together in order to go and fight in Kashmir. If members of the Security Council will be pleased to look at their maps, they will see that Parachinar is up at the end of the Kurram Valley. It is inside, and far inside, the tribal area outside the North West Frontier Province. It was alleged that it was in the North West Frontier Province. It is almost on the border of Afghanistan. It is tribal territory; it is the home of the tribes. It cannot be said that Pakistan has established a base there. If someone has seen people collecting there with the object of going to fight in Kashmir, they are collecting in or about their homes. In this regard, that is the only instance cited.

It was then said that somehow the Pakistan Government was guilty of some breach of international obligation by abandoning the United Kingdom's forward policy with regard to these tribes and withdrawing its military posts from these tribal areas. That is a permanent policy that has been adopted and announced by the Pakistan Government, namely, that it wants to make friends with the tribes, that it does not want to continue to distrust them. The forward policy was appropriate to the British who, however benign they were in their later stages—or otherwise, as some people have continued to allege to the end—were an alien Government. Their forward policy meant that in order to subdue the frontier, or to keep it in

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order, they must continue to penetrate through these very difficult areas among these very fierce and turbulent people. Pakistan has announced the abandonment of that policy and has withdrawn its military posts. One of the obligations that that policy involved was a huge financial outlay. It also involved large military occupations. That financial outlay was a burden even to the whole of India combined. It might have become an insupportable burden to Pakistan. But however that may be, Pakistan's policy is not the forward policy. Even among British statesmen and people who were conversant with the frontier, there always was a difference concerning whether the forward policy should be continued or whether a policy should be adopted of trying to bring about some sort of an understanding and co-operation with the tribes so that they might themselves be left to maintain their own security. There has always been this controversy. In any case, Pakistan has adopted the latter policy, and there is nothing wrong in that.

The representative of India complained that one of the results of that policy is that the tribesmen are able to move about more freely with their arms. That is so, but the policy was not adopted for the purpose of allowing the tribesmen to go and fight in Kashmir. The whole policy was not adopted with reference to an incident which had not yet occurred. This policy was decided upon on 8 October, and the other side states that the very first raid, according to them, occurred on 22 October. However, those are the facts with regard to the forward policy.

The representative of India quoted from an article by Douglas Brown, correspondent of the *Daily Telegraph*, to the following effect: "The tribal leaders claim that there were 60,000 Pathans always fighting in Kashmir, each man fighting for about a month at a time. They said they used all routes, but owing to Pakistan's lack of co-operation, found it best to cross the State of Swat. The casualties so far have been about 400 dead and 250 wounded." The State of Swat, if again the members of the Security Council will turn to their maps, is almost on the border of Kashmir itself and is contiguous with the whole of the rest of the tribal area. That is one answer to the allegations of th

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representative of India that nothing was being done by the Pakistan Government to stop these tribes, namely, the complaint of the tribes themselves that, owing to the lack of co-operation of the Pakistan Government, they found it best to cross the frontier from Swat into Kashmir.

I shall now draw attention, with regard to all these matters, to a report of 19 January from Lahore, by Margaret Parton, special correspondent of the *New York Herald Tribune*, published in this morning's issue of that newspaper. The article reads as follows:

> "If Pakistan is giving direct assistance to *Azad* (Free) fighting forces in Kashmir, evidence is not on the surface to be seen by prying foreigners. Below the surface is a mass of rumours, contradictions and paradoxes which, during a just completed week along the border of Pakistan and Kashmir, have alternately baffled and amused groups of press correspondents who followed Liaquat Ali Khan, Prime Minister of Pakistan, on his tour of the frontier. During the entire 600 mile trip we saw no raiders' bases, no training centres, no stocks of arms and ammunition and no Pakistan soldiers slipping off to the Kashmir front. Even those reliable neutral observers—British officers and civilians—denied the existence of any of those material aid which India charges Pakistan is giving the fighters in Kashmir.
>
> "There were instead incongruities and sights which verged on the melodramatic. There were strange characters who emerged at twilight with fantastic stories of intrigue, and even stranger ones who appeared at midnight to contradict the stories of the first group. Both sides appeared to be lying—but together they created an atmosphere of mingled mystery and tension which, it appears, only an equitable decision by the United Nations can relax."

This correspondent, Margaret Parton, then goes on to give different facets of the picture, saying there were tribesmen moving about, and describing other happenings, but saying nothing about the organizations, the State help and the bases

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and training that the other side has alleged were involved. That should be a good enough answer to the arguments on that point by the representative of India. That is at least evidence of a state of affairs which existed after both he and I left India and Pakistan respectively.

Another factor from which the representative of India wanted to draw a conclusion was the statement in which he admitted that 60,000 or 70,000 Poonchis were ex-soldiers but said that officers must have been imported for them. When one says "ex-soldiers", one does not mean only foot soldiers or cavalrymen. These 60,000 to 70,000 people fought on the side of the United Nations during the war. Many of them obviously would be officers. There is really nothing much to that point.

But it was asked how, when one denies that there were training centres for the tribes and when one asserts the tribes required no training in the use of arms, does one account for the fact that the people who are fighting in Kashmir can handle mortars; how is it they can handle 3.17 howitzers, a type of weapon that we have no knowledge is being used in Kashmir; how is it that they can use hand-grenades, wireless sets, etcetra, unless they have been trained? But the representative of India forgets that, according to neutral observers—I quoted a report in the *New York Times*, from its special correspondent—as many as 65 per cent of the people who are fighting in Kashmir, which is a modest estimate, are themselves the people of Kashmir. Among them are the Poonchis and ex-soldiers and ex-officers. It is not necessary to give an account of how such tribesmen as there are, if any, have received their training in the use of these military weapons and apparatus, if any particular training is necessary for people of that kind.

It is amusing in this connexion to refer to just one sentence of a paragraph in *The Times* of London of 13 January which was read by the representative of India, with the exception of that one particular sentence in the middle of it. I do not attribute the fact that this sentence was not read to any ulterior purpose. It was not, perhaps, pertinent to the context he was citing. It reads: "According to a reliable estimate, the *Azad* forces consist of about 60 per cent Poonchis . . ."—that is 60

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per cent of the people of Poonch who were trained ex-soldiers—". . . 35 per cent Pathan tribesmen, and possibly 5 per cent Punjabi Muslims." What was sought to be made out in the whole of the address by the representative of India was that all this fighting in Kashmir is being done by the tribesmen, which is not at all a correct picture, even according to the account upon which the representative of India relies.

This contention is answered by a naive suggestion which the representative of India himself made. In one part of his case he said that if the Pakistan Government could not stop completely the infiltration of tribesmen through Pakistan into Kashmir, then the Government of India was prepared to stop them for the Pakistan Government to help it fulfill its international obligation. We shall come to the nature of the international obligation later. But how is it that, if the Government of India finds it so difficult to expel the tribesmen from Kashmir, where there are only a few thousand of them, it is so anxious and so ready, willing and eager to undertake a full-scale war with the tribesmen on the frontier in the hope that there it will be able to subdue the frontier tribesmen altogether? What is the explanation for that? It cannot control a few thousand tribesmen in Kashmir, and it makes a first-class international complaint in that regard; but it is prepared to take over at the frontier the whole of the tribal area. I have not been able to find an explanation for that. The truth of the matter is that, although the tribesmen do furnish a certain amount of stiffening, possibly, to the *Azad* and Kashmir forces, the main party which is being fought against in Kashmir is the people of Kashmir. If the people were not behind this movement, if the people were all with Sheikh Mohammad Abdullah, as was alleged yesterday, then how is it that these areas—Gilgit, the vicinity of Muzaffarabad, Uri, Mirpur and Riasi, all around the Valley itself right up to Jammu—are in the possession of the *Azad* Kashmir forces? The people are with them. It is said that the people do not want these incursionists from outside, egged on by Pakistan in order to force an accession upon Kashmir. Yet this situation has gone on for months at a time and, of the inhabited portions of the Kashmir State, more than half are in the possession of the *Azad* Kashmir forces.

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The real picture is that it is a movement of the people in Kashmir to get rid of Dogra tyranny brought about by the massacres to which I shall presently come, the existence of which has been altogether and categorically denied by the representative of India before 22 October when the first raid took place. This movement is spreading. No doubt, there is sympathy among the tribesmen, and I have not denied the fact that there is sympathy all through Pakistan with the struggle. But the spearhead of the movement, the people upon whom the brunt of it has fallen and who are mainly fighting, are the people of Kashmir themselves. If that were not so, the movement would have collapsed within three days. How is it continuing?

With regard to the position of the National Conference and Sheikh Mohammad Abdullah, it is said he is the beloved leader of the Kashmiris, whose feet they all desire to kiss, who brought about this accession in co-operation with the Maharaja. As the Security Council is aware, there are two political associations in Kashmir: the National Conference, the President of which is Sheikh Mohammad Abdullah, and the Muslim Conference. The National Conference came into existence, I am informed, about 1930. The Muslim Conference had already been in existence. As a matter of fact I am told that Sheikh Mohammad Abdullah's own election as a member of the Assembly in the 1935 elections was secured on the Muslim Conference ticket. The present position is that the leaders of the Muslim Conference are in gaol, some of them put there by the Maharaja, the others put there since under the directions of Sheikh Mohammad Abdullah, or at least since Sheikh Mohammad Abdullah became head of the Emergency Administration, of which the Prime Minister is Mr. Mahajan.

It was stated yesterday—as a matter of fact. It was set out in one of these pamphlets that have been distributed on the invasion of Kashmir—that Sheikh Mohammad Abdullah's popularity may be judged from this: that during the last elections, which were boycotted by the National Conference because Sheikh Mohammad Abdullah was in gaol, out of 607,419 voters, only 200,000, as stated by the representative of India, and only 182,800, as stated in this pamphlet, went to the polls.

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In the first place, the elections were held in January of last year, and in January conditions over the greater part of Kashmir were very much worse than the conditions that the members of the Security Council have seen here; and add to it that it is a high, hilly country and difficult to move about in. Therefore, in the very nature of things, very few people could have gone to the polls in Kashmir itself. In Jammu it would have been different. Actually, in two constituencies with regard to which I have been able to gather facts, more than 10,000 polled their votes in one constituency, and more than 6,000 in another. Out of twenty-one Muslim members, fourteen elected were Muslim Conference people, though I understand even their leaders were in gaol, and in the remaining seven constituencies independents were elected. But it so happened that, on technical grounds, the nomination papers of all the Muslim Conference candidates were rejected. That is the situation at this stage in so far as the position with regard to the National Conference and Sheikh Abdullah is concerned, though I shall have to revert to it again when I come to the question of accession.

It has been asked: "Why this trouble in Kashmir? It is then said: "This trouble in Kashmir is due to the fact that the Muslim League, having advocated an ideology based upon religion and a State based upon religion, cannot tolerate a situation in which a State wherein a majority of the people are Muslims should accede to India, and it insists that, whether by coercion or other means, fair or foul, the State should go to Pakistan though the people want to accede to India."

When Junagadh, a State in Kathiawar, acceded to Pakistan —and be it remembered that Junagadh had a majority of non-Muslims in its population, although the Ruler was Muslim— the Government of India protested to the Government of Pakistan that it should not have accepted this accession, and one of the chief grounds for this protest was that the majority of the people of Junagadh were Hindus. Therefore, Pakistan should not have accepted the accession. Who was basing his claim on the ideology of a majority of the religous community being on one side or the other?

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It was then said, "Look how innocent we are in this matter. Here is a report by our chiefs of staff, saying that nobody took into consideration the question of military movement into Kashmir earlier than 24 October, two days after the first raid had taken place." That is not denied; that is so. We accept the statement. We have not said that military movement had been planned all through. We have said intrigues had been going on with regard to the accession. I shall cite some facts with regard to it.

Sheikh Mohammad Abdullah was convicted of sedition sometime in 1946, or it possibly may have been 1945—I forget the date cited by the representative of India—and sentenced to nine years' rigorous imprisonment. He was in gaol. I have already said that I make no implication against Sheikh Mohammad Abdullah. Knowing the conditions in Kashmir, I know that he was sentenced on account of his patriotic feelings. There was no sedition about it at all. We are very glad that he was released. I believe he was released on 26 September, although the date does not matter. Nevertheless, he was certainly released in September. Why? Because the Maharaja wanted to use him as an emissary between himself and the Prime Minister of India, whose close friend and associate he had been, in order to bring about or settle the terms of accession. No other reason has been given, and we say that that was the reason.

The closeness of the friendship and the political relationship between Sheikh Mohammad Abdullah and Pandit Jawaharlal Nehru, the Prime Minister of India, may be judged from the fact that when Sheikh Mohammad Abdullah was being tried for sedition—or whatever the charge was—Pandit Jawaharlal Nehru, who had then already been nominated a member of the Government of India, and who has never practised as a lawyer though he is a qualified lawyer, rushed up to Kashmir because he wanted to defend Sheikh Mohammad Abdullah—which is a very laudable sentiment. However, under the circumstances, it was a somewhat emotional gesture, having regard to the responsibility which Pandit Jawaharlal Nehru already had undertaken. He was expelled by the Maharaja

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and put out of the State. That incident shows how close an interest Pandit Jawaharlal Nehru has always taken in Sheikh Mohammad Abdullah.

It is difficult to believe that nothing was going on. Some days after Sheikh Mohammad Abdullah's release, he proceeded to Delhi and was obviously in touch with the Government of India. I shall come to some of his statements later, but on 25 October *The Times* of London, among other things, had this to say:

> "But the Union of India has been taking a lively interest in the subject"—the subject of accession—"and indications are that the Hindu Maharaja of Kashmir, Sir Hari Singh, has lately been much influenced by representations made by Mr. Gandhi, who visited Kashmir three months ago, and by other Congress leaders."

That is one assertion. However, it was said on the other side that Pakistan had taken up a very wanton attitude with regard to this matter; that before 22 October no molestation of Muslims had taken place in the State; that Pakistan engineered this raid into Kashmir in order to coerce the State into accession to Pakistan. That is a very grave charge and a very important one, apart from its gravity. On our side, we have stated that the whole of this uprising in Kashmir, with which the Muslims of the surrounding States and countries are in sympathy, and such assistance as the tribesmen are giving it, is due to the massacres, molestations and the persecutions of the Muslims that had already started in the State. On the other side, it is said: "No, it is wanton aggression against the State of Kashmir in order to coerce it into accession to Pakistan." Therefore, so far as the facts are concerned, this is the crucial and the central matter to which attention must be paid.

In the first place, as a matter of argument, it was said that the whole case is built upon a flimsy foundation. Why should the Maharaja have wanted to massacre his Muslim population, ill-treat them or persecute them? Could it be conceived that he could get rid of 3 million Muslims of his State and replace them by other inhabitants? The idea is so absurd, it is said,

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that it has merely to be mentioned to be rejected. In the first place, I would again, at the risk of wearying the Council, draw attention to the fact that in another Hindu State, something of that kind had already happened. It was not so fantastic or absurd as to be dismissed in that very State. Kapurthala had a majority of Muslims, and today there is not one Muslim left in the State. What is there fantastic about such an idea today? Last year, at this time, if anybody had mentioned the idea to me, I would have characterized it in the same terms in which the representative of India characterized it yesterday. However, today there are instances and examples have been set which might be followed.

But take a larger example. The Sikhs have succeeded in the East Punjab of getting rid of 6 million Muslims. The representative of India said: "No, 150,000 Muslims are still in East Punjab." Well, all right; 150,000 Muslims are still in East Punjab. They have still succeeded in getting rid of 6 million minus 150,000 Muslims. In the State of Kashmir, if a million Muslims could be got rid of and replaced by Sikhs and Hindus the trick would be done. What is there fantastic about this idea? But let us get to the facts. After all, this is an argument and counter-argument. What are the facts? Are the facts as stated by the representative of India? Are the facts as stated by myself?

This is what the representative of India said yesterday [*234th meeting*]:

> "That feeling of revenge was fostered by the fact that these were Muslim invaders"—that is to say, after the invasion of 22 October 1947, the feeling of revenge was fostered among the Hindus and Sikhs in the State—"who had come from the north, and who had pillaged and looted their homes, and murdered them and their women. It was that feeling which resulted in the first killing in the Kashmir State by Hindus and Sikhs, which occurred on 4 November 1947, about a week after the raid. That is the only killing, of any moment, which occurred at all in Kashmir.
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> "Is it not, then, preposterous to suggest that this killing,

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which took place after the raid, was, as the representative of Pakistan would have it, the cause of the raids which took place in Kashmir?"

I submit to the Security Council that this is a crucial matter.

With regard to raids on West Punjab from the Jammu and Kashmir State, I have already drawn the attention of the Security Council to that matter in detail in my previous speech [*228th meeting*] I shall not repeat the facts here, but instead, shall concentrate on this issue.

But with regard to the raids in West Punjab, I might add that they still continue. Our latest telegram is dated 22 January and was sent from Karachi by the Minister of Information to the Embassy in the United States. It states:

"'A heavily armed mob, nearly 500 strong, crossed the border in Pakistan and launched a strong attack on the village of Dandot, according to a report from Sialkot received on Monday, 19 January 1948,' says a press note issued by the West Punjab Government. 'Besides twenty persons killed, about 100 head of cattle were found burned to death.' 'Jammu State troops were reported to have launched another attack on the border village in the Sialkot District,' says a press note issued by the West Punjab Government on 20 January. 'They killed two persons and set fire to a number of houses in Pakistan territory,' adds the press note."

Of course, the representative of India might say, as he said yesterday, "We are not responsible for it. It is the Jammu State troops who are responsible with regard to the massacre of the convoy on 4 November." He said, "True, we were in occupation of the State, but this massacre was carried out by the troops of the Maharaja, and we had no responsibility for it."

Now I come to the allegation that no incidents of Muslim oppression took place before 22 October 1947; that this was a wanton invasion by the tribesmen to force Kashmir into accession to Pakistan; and that all that took place *vis-a-vis* the

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Muslims occurred later as a result of a spirit of revenge fostered by this raid. In the first place, I would draw the attention of the Security Council to the considerable portion of my first speech dealing with this matter. Again, I shall not repeat, as I have set out the various details of the persecutions and the raids that have taken place. But I might draw the attention of the Security Council to the statement of Sheikh Mohammad Abdullah himself, made in Delhi on 21 October 1947, before any raid had taken place. Sheikh Mohammad Abdullah said that the present troubles in Poonch, a feudatory of Kashmir, were caused by the unwise policy adopted by the State. The people of Poonch who suffered under their local Ruler and again under the Maharaja of Kashmir the overlord of the Poonch Ruler, had started a people's movement for the redress of their grievances. It was not communal. The State of Kashmir sent in its troops and there was panic in Poonch. But most of the adult population of Poonch, he explained, were ex-servicemen in the Indian Army, with close connexions with the people in Jhelum and Rawalpindi. They evacuated their women and children, crossed the frontier, and returned with arms supplied to them by willing people. The present position was that the Kashmir State forces were compelled to withdraw in certain areas.

Why were these people in Poonch under the compulsion of taking their women and children out of the State, placing them in West Punjab, borrowing arms and ammunition and going back and fighting the State troops before any raid had taken place? This is from the mouth of Sheikh Mohammad Abbullah himself.

I would further draw the attention of the Security Council in this connexion to a statement made by the same special correspondent of the *Daily Telegraph* of London, Douglas Brown, who stated in the issue of 12 January 1948: "It was, however, undoubtedly, tales of horrible cruelties against their coreligionists in Jammu, coupled with heartening news of the insurrection"—that is to say, the insurrection of the Poonchis and so—"which first set them on their course of invasion." I wish to repeat, "tales of horrible difficulties against their co-religionists in Jammu, coupled with heartening news of the

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insurrection." The insurrection had already taken place and it was based on the cruelties that had already taken place. Further on, the correspondent says, "The situation is complicated by many factors. One of the factors is this: "Yet another element in the invasion is provided by Sikh refugees from the West Punjab who have seized Muslim lands in Jammu." That is exactly what we have alleged was happening and was bound to happen.

The report goes on: "They originated the massacres there last October, to clear for themselves new Sikh territory to compensate for their losses in Pakistan and to provide part of the nucleus of a future Sikhistan." In other words, they wanted to convert Kashmir into a land of the Sikhs. It could not be so converted unless the Muslim majority were reduced to a minority by killings, by looting, by expulsion and by an influx of Sikhs.

The report continues: "These newcomers have no real love for Sir Hari Singh and his Dogra favourites, though hitherto they have been working in uneasy alliance with them. They look to the powerful Maharaja of Patiala as their patron, and at present are taking full advantage of the presence of his State troops in the Province."

That would make it quite clear how the trouble started. But there is specific evidence. On 20 September 1947—as early as that—the following telegram was received by the Governor-General of Pakistan from the Muslim Conference, Kashmir: "Atrocious military oppression in Poonch. Public being looted and shot at random. Kindly intervene." But the representative of India says that nothing was happening. And these are troops that are mentioned here.

Here is another telegram from the Muslims of Bagh Mallat, Poonch State, to the Governor-General of Pakistan, dated 29 September 1947: "Fire opened by the Kashmir Government since 9th and 10th of Bhadon." That would put it, I suppose, shortly after the middle of September. "Our Muslim public loss estimated at 500 lives. Kindly intervene immediately." My learned friend continues to say that nothing had happened and that nobody had been touched, least of all by the State troops. And this was in September.

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Here is a report from the Deputy Commissioner of the Rawalpindi District to the Commissioner, Rawalpindi Division, dated 8 October 1947:

"On my way back from Srinagar on 8 October 1947, I came across a large number of women and children crossing over from the Poonch side. They related stories of inhuman treatment and terrible atrocities on the part of the Dogra troops operating in the Poonch area. I was informed that ten or eleven villages had been burned, women had been raped, and Muslim houses had been looted by the Dogra Army. At the Kohala Bridge, I persuaded the officer in charge of the State troops to arrange for these refugees on the Kashmir side, as I felt that it was primarily the responsibility of the Kashmir State to look after its own nationals, especially when their miseries were due to the action of the State troops.

"On proceeding to Murree, I came across, near the village of Dewal about seven miles from Kohala, about 600 women and children who had crossed the river from Kashmir territory. They also related the same tale of woe. It would have been inhuman to ask them to return to their own country. Accordingly, I arranged to set up a temporary refugee camp at the village of Phagwari, which is a somewhat more central place than Dewal. I expect that the stream of refugees may become stronger every day." That was on 8 October, a fortnight before the first raid took place.

I have before me one of our intelligence reports, marked "Top Secret." However, it constitutes evidence, and therefore I shall read portions of it. It is dated 12 October, and reads as follows:

"Muslims of Kashmir and Poonch, who form 80 to 90 per cent of the entire population, are keen that the State should accede to Pakistan, but the attitude of the State authorities afforded indications to the contrary. On 15 August, Pakistan Day was celebrated at Srinagar. The State authorities tried to interfere with it. On 26 August, the

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celebrations were arranged in Tehsil Bagh, Poonch State, resulting in a major clash between the authorities and the people, with heavy casualties to both (roughly estimated, 200 on the civilian side and 50 on the military side)."

Further on, the report states:

"It was decided to oppose the State's drift towards the Indian Union at all costs. The activities of Dogra troops, who had deliberately indulged in looting, arson and harassment of Muslims, made the situation intolerable, and the meeting resolved to resist the criminal activities of the authorities by means of direct action. This action commenced on 2 October 1947."

That is when the movement started in Poonch. The report goes on to say:

"Poonch-Pakistan border was the first to be affected. The populace raided police station at Dherkot on 2 October. The police ran away, and the raiders captured 500 muzzle-loading guns, a few shotguns, 8 rifles and 10,000 rupees."

The report goes on: "On the night between 2 and 3 October, the civilians attacked the military post at Churiala. About 40 military men were killed, with very few casualties on the civilian side. Action still continues, and the troops are practically besieged."

The report then goes on to give details of the clashes on the different days up to 6 October. Further on, the report states: "On the 4th, the troops attacked Khuntar Rehala with a force of about 200. They burned about 50 houses. They were engaged by the rebels. Fifty of them were killed and 70 wounded. One Bren gun was seized. Civilian casualties are not known."

Further on, the report states: "The troops retreating from Khuntar Rehala set fire to a number of Muslim houses at Pachhot. This resulted in irregular action on a sector of about ten miles affecting"—and then several villages are mentioned.

Now this indicates what was happening at that time. At a later stage the report says:

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"Another significant feature during these operations was that the troops were invariably accompanied by civilian non-Muslims who were either armed with firearms or swords and spears. The civilians were used for purposes of arson and for indiscriminate slaughter of Muslim women and children, while the troops engaged civilian armed gangs."

Was this intelligence report being manufactured on 10 or 11 October in order to make out a case that there should be a raid on 22 October, and these happenings alleged as reasons for it? Was the report of the Deputy Commissioner similarly drawn from his imagination? Was Sheikh Mohammad Abdullah's statement of what was happening in Poonch manufactured in order to damage the Indian case?

Then we sent a wire. As I have already set this out, I shall not go into it *in extenso*. But the Foreign Minister sent a wire to the Prime Minister of Kashmir on 12 October, ten days before the raid. It reads as follows:

"Men of the Pakistan Army who have recently returned from leave at their homes in Poonch, report that armed bands, which include troops, are attacking Muslim villages in that State. Their stories are confirmed by the large number of villages that can be seen burning from Murree Hill. The Pakistan Government is vitally interested in the maintenance of peace on its borders and the welfare of Muslims in adjoining territories, and, on these grounds alone, would be justified in asking for assurance that steps be taken to restore order in Poonch."

It is then pointed out "that a good many of our military personnel are drawn from that area, and they are being disturbed."

Here is a telegram from Sialkot, dated 20 October, from the President of the District Muslim Conference, Jammu. He must obviously have gone to Sialkot. Sialkot is twenty-eight miles from the other side. The telegram is addressed to Sardar Abdul Rabnishtar, one of the Ministers in Karachi. It is obviously a copy sent to his house. The telegram reads as follows:

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"Dogra military reinforced by numberless Indian Army plain-clothers, Sikh *jathas*[1], local and from abroad. Hindus and Rajputs armed with modern weapons, launched wholesale massacre of Muslims of Ranbirsinghpura, Akhnur, Samba and Jammu Tehsils of Jammu District. Several thousand Muslims already ruthlessly butchered. Hundreds of women abducted. All moveable property looted and hundreds of Muslim villages burnt to ashes. Hostile forces, continuing killing suburban Muslims and burning Muslim villages from all sides, now converging on Jammu City and only one mile distant from it. Village Raipur, within Jammu Cantonment area, burnt. Muslims in City already hopeless minority and altogether unarmed. Fifteen thousand Muslims of Jammu City including women, children and cream of Muslim intelligentsia surrounded from all sides, helpless and in immediate danger of being ruthlessly killed. Muslim military disarmed and Brigadier Khoda Bux, Jammu Cantonment, relieved by Hindu Brigadier. If immediate help not made, all will be butchered. Persistent bigger tragedy than East Punjab. Pray intervene immediately without losing a second, or if nothing else possible, kindly arrange evacuation of Jammu Muslims through Pakistan armies. Most urgent."

This was followed by another telegram of the same description, which need not be read. Here is a telegram from the City Muslim Conference, Jammu, which again was sent from Sialkot, to the Governor-General at Karachi, 22 October, the last day on which the raid started at the other end. The telegram reads as follows:

"Previous telegrams unheeded. Ten thousand Muslim refugees gathered Rosin factory Miransahib. All butchered by Dogra military, after assurance from Kashmir Premier for safety. Within fifteen miles radius of Jammu City, all Muslims, including women, children, officials, killed. Number of killed over 40,000. Organized killing continues.

1. Armed bands.

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Attacks on Jammu City Muslims started. Over 350 mosques burned. Bonfires Holy Korans made. Muslim officials and officers being hunted and killed."

This was the picture seen from 20 September to 22 October, and I was astounded when the representative of India said yesterday—no doubt on the basis of information supplied; he would not know the facts himself—that no killing of Muslims had taken place before the 2nd—as a matter of fact before the 4th. He said that it was "that feeling which resulted in the first killing in the Kashmir State by Hindus and Sikhs, which occurred on 4 November 1947, about a week after the raid. That is the only killing, of any moment, which occurred in Kashmir. Is it not then preposterous to suggest," he said, "that this killing which took place after the raid, was, as the representative of Pakistan would have it, the cause of the raids which took place in Kashmir?"

I leave it to the Security Council to decide whether these killings were the cause or the consequences of the raid.

I now come to my last observations. That is the situation, but the situation must be remedied. That is what the Security Council is concerned with. I have had to take up the time of the Security Council to give it the picture as it is.

On the one side, it was said to be an aggressive raid on the territory of Kashmir to coerce that State to join Pakistan; that it carried everything before it; that there was looting, arson and so on; that Indian troops were there legitimately. Kashmir being a part of India's territory—which we do not for one moment accept; and the Indian Government says, "We ask the Security Council to direct the Pakistan Government to stop the infiltration of the tribes into Kashmir through Pakistan territory." That is to say, a state of affairs should be brought about in which the Indian Army should be able to put down and to crush this movement in Kashmir, which it does not admit, but which is admitted throughout the accounts of all neutrals, and even in the statement of Sheikh Abdullah himself, so that the Indian Government can have the whole of the Kashmir State within the hollow of its hands.

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On the other side, the picture is of a movement for liberation and freedom started by the people of Kashmir itself in sheer desperation against the tyranny and persecution which they had for so long suffered, and which had culminated in all these horrors and iniquities to which I have drawn attention. No doubt these people have the sympathy of the Muslims of West Pakistan, of the Muslims of the North West Frontier Province, of the Muslims of the tribal areas, and such of them as are able to help them get through. There is the account from the tribes themselves that they have mostly to take their route through the State of Swat. But however they get through, the question is how to resolve this situation. The question is not how to enable the Indian Army to take possession of the whole of Kashmir and to do what it likes there, but how to resolve the situation.

Briefly, the situation can only be resolved along the following lines, whatever the details may be. Considering that it is mainly the population of Kashmir that is fighting, it must be completely assured, and effective guarantees must be given, that Muslims will not be persecuted and oppressed and that the people of the State shall decide their own constitution and the shape of their Government.

Assurances must be given and fulfilled that Indian troops and outsiders shall withdraw; this assurance must be given in order that law and order may be restored. If that assurance is given, it would go a very long way towards bringing about a cessation of the conditions that prevail today. All outsiders, that is to say, the Sikhs and Hindus who are coming from outside, the Muslims who may not be fighting but who come from outside for any sincere purpose, shall withdraw, and all those who have been compelled to leave the State of Kashmir and who are citizens of Kashmir shall be permitted to return. In order to enable a free choice to be made by the people of Kashmir in the matter of accession, that is, whether they will accede to Pakistan or whether they will accede to India, a neutral and impartial administration shall be set up. Assurance must be given to that effect.

Here is Sheikh Mohammad Abdullah, the beloved leader of the people of Kashmir. I have analysed that position to some

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extent. He is at the head of the Kashmir administration; it is impartial; it is neutral. I shall draw attention only to two statements of Sheikh Mohammad Abdullah in this connexion. In the *Hindustan Times* of Delhi of 12 November 1947, he is reported as saying. "There may not be a referendum at all after this disaster at Baramula, Uri, Pattan and Muzaffarabad and other places. After what has happened in these places, the people of Kashmir may not bother about a referendum." Obviously Sheikh Mohammad Abdullah's position reflected only those people of Kashmir who were with him. But what about the people of Kashmir who were fighting at these very places, and were still fighting under the *Azad* Kashmir Government?

Even more extreme is the statement in the *Hindustan Times* of New Delhi of 27 December 1947 from its correspondent at Indore, the capital of one of the Indian States in Central India. This statement is dated 25 December. It reads as follows: "Speaking at a mass Praja Mandal rally, Sheikh Mohammad Abdullah declared that Kashmir has finally resolved to remain with India, ruled by the Kashmir Jewel, Pandit Jawaharlal Nehru. Pakistan can conquer Kashmir only after each and every Kashmiri has dedicated his life to fighting with Pakistan."

That is what Sheikh Mohammad Abdullah has put forward as a head of a "neutral" organization, which has suggested that, under his auspices, a plebiscite might be held. This plebiscite can be observed, if you like by international observers. All that the intenational observers could accomplish would be to see that, at the polling places, nobody was clubbed or otherwise coerced. How could these observers ensure that the administration has not already accomplished its purpose, by all sorts of means which are familiar in many parts of the world, that certain people, when they go to the polls, shall vote only one way? When the head of the Administration has announced that so long as a single Kashmiri is active, Kashmir shall accede to India and to nobody else, that statement at least applies to him; so long as he is alive, Kashmir shall accede to India.

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Therefore, under a neutral administration or under United Nations observation, whatever is preferred, a plebiscite ought to be held as to whether Kashmir shall accede to India or Pakistan. It is only insurances and guarantees along these lines that would make it possible to stop the fighting.

I have given the Security Council the reasons, the pictures and the roots of this situation. It is the evil that is there today which has to be cleaned out, and I have suggested the only way of cleaning it out. In any such scheme, Pakistan will fully co-operate to whatever extent it is called upon to do so. It will be eager to do so. We consider it an honour to do so in order to bring peace and order to that part of the world.

The system of consecutive interpretation was suggested at this point. (SCOR, 3rd Year, Mtg. No. 235, pp. 228-255)

89. Text of the Speech of Mr. Noel Baker, Representative of United Kingdom in the Security Council Meeting held on 24 January 1948

We have heard statements from the two parties in this case. Much has been inscribed in the record of the Security Council which, if history itself could be rewritten, both parties would desire to expunge. Having heard the parties, I want, with equal understanding, with equal friendship, and, if they will allow me to say so, with equal love for both, as a member of the Security Council, sharing our collective responsibility to mankind, to ask the question: What ought the Security Council now to do? I hope we shall fasten our attention on the constructive parts of what our colleagues from India and Pakistan have said.

I am not suggesting that we can brush aside the rest of their statements, or that in seeking a solution we can neglect the causes from which the present conflict came. On the contrary, we must make provision concerning those causes in all that we propose. But we must try to put what we have heard in its true perspective, and then to see whether it is worth going on, and what hope we have that a full and fair settlement can now be made.

It is my profound conviction that both Governments really want to reach a settlement, and that, therefore, a fair adjustment

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can be made. The representative of Pakistan last week and again today, and the representative of India when he opened the matter and again yesterday, gave us their accounts of how the communal troubles happened over the last two years. I do not intend to discuss the tragic features to which they drew attention. To my mind the process of causation is still wrapped in mystery. No doubt these troubles came out of history, and I hope they will soon disappear into history again. The interest of everyone is to forget the past and to concentrate on the future.

I do not minimize the terrible events that have occurred, the loss of life or the suffering of the refugees. Nevertheless, it is true, and is no accident, that 95 per cent of the Sub-Continent was unaffected, and that, even where disorders took place, there were great and successful efforts by both Governments to get them under control. Communal passions had been inflamed in the Punjab and in Delhi, and mob violence broke loose, mob violence with unlimited ammunition and automatic weapons. At moments it appeared that the whole fabric of government might break down and the rule of law collapse. The events in Delhi were only the most dangerous example of what happened elsewhere, but the two Governments brought things under control and, in so doing, their leaders displayed great physical and moral courage. Day after day in Delhi Pandit Nehru risked his life to stop the troubles and to save the Muslims. The Prime Ministers of India and of Pakistan went out together. They conducted joint campaigns and made joint appeals, and I think that both Governments showed great statesmanship and resolution of no ordinary kind. In the end they succeeded in getting their armies, and then their police, to do their duty. They punished those who attacked the trains and convoys, they re-established discipline and law, and restored the convoys and camps to reasonable order. By far the most important, they began to exercise the satanic passions aroused by fear, and to revive the spirit so truly characteristic of India and Pakistan: the spirit of human charity, mutual help and the protection of the sufferers on either side.

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I remember with what infinite relief, sitting in my office in London, I received the first telegrams which told us that the spirit of charity had begun once more to revive. The two Governments did this by co-operation. They resolved to stop the killings, and they determined to prevent their troubles leading on to war. They found that the troubles had caused a mass movement of refugees. As the representative of Pakistan has said today, 10 million people displaced from their homes constitute a vast mass of human suffering. I know the kind of difficulties it creates: I worked for Nansen after the last war in the exchange of population between Greece and Turley, and helped to resettle 2 million refugees, I followed their movement, their settlement, and the results over many years. The problems are innumerable and infinitely complex. They have not been solved in India and Pakistan, but I say, knowing something about it, that those in charge—and the leader of the Indian delegation is the Minister responsible for that work—have already achieved quite remarkable results.

I am referring to the protection of the crops and the resettlement of the refugees in productive rank. It is only a beginning, but it is a good beginning. In 95 per cent of the Sub-Continent, troubles did not occur at points of danger where grave incidents had happened before. By wise statesmanship and vigorous action, they were held in check. At the time of the greatest crisis, when the wave of communal strife was sweeping forward, the two Governments worked together until, after grave disasters, they brought the madness under control. Therefore, that was a great achievement.

It is not the only one. They have reached agreement on other problems which were caused by partition, such as the financial settlement. This does not concern only the division of the cash balances. There are many other matters of great complexity, and of vital economic importance to both countries on which the interests of the two Governments might seem to be diametrically opposed and for which an arbitral tribunal had been set up. As to the division of military stores, there were difficulties which were caused partly by transport. I was a member of our Ministry of Transport during the war, and I

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know the difficulties involved in the transport of military stores. According to the last messages which I received, those difficulties had been overcome.

Therefore, I think that, if we view these events in their true perspective, we must admit that although both Governments, like human beings, made mistakes, and some people on both sides preached dangerous ideas, the evidence discloses that it was not the Governments which were to blame. The two Governments faced more disagreements than any other two new Governments had ever faced before in trying to establish their States and administrations. The evidence further discloses that after long weeks, when difficulties threatened to overwhelm these two Governments, they mastered those problems and came very close to full agreement and co-operation on every question.

About six weeks ago I reported to my cabinet colleagues that the situation had improved enormously, that Kashmir was the chief outstanding issue, and that, in the spirit of the situation as it then existed, I had reason to believe that the Governments wanted to settle and would settle their problems. I still believe that they can. That is the first lesson which I have learned from the history of the last few months.

The second lesson, which is the obverse of what I have said, is that, in spite of their efforts to work together, the Kashmir business brought these Governments very close to war. Three weeks ago, when this appeal was made, both Governments thought that at any moment war might begin. As long as the present fighting in Kashmir continues, then, as the Indian representative stated yesterday afternoon, there is a danger that the area of conflict will be enlarged and that almost by "accident", to use his word, the parties may drift into war.

The third lesson to be learned from the last few months is that, if war happens, it may be the most terrible conflict in the history of mankind. I ask the parties and the Security Council to consider what this conflict would mean to the armies, the officers and the men who participate in it. Six months ago there was a single Army with a century of comradeship-in-arms behind it. In this last war, its men had a superb record of

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achievements in every theatre and in every battle against the Nazis. At their farewell gatherings, when the Army was being divided, they wept over the separation.

What would such a conflict mean to the peoples there? It would mean that communal strife would begin again. There are almost 40 million Muslims in India, and many non-Muslims on the other side. There would be no armies to help check the troubles. They would be locked in battle at the front. The tribesmen might come down not in tens, but in hundreds of thousands. They might be a mortal danger to both Governments. The imagination is baffled at what might happen. A sub-continental war would be an unbelievable disaster for the new Asia on which such hopes of progress are now pinned. It would be a disaster no less grave for all of us. It would retard our post-war reconstruction. For the United Nations, it would be a bitter defeat.

I ask the delegations for what reason would this war be fought? What is really at stake today in Jammu and Kashmir? What is it that the two Governments care about? What are they seeking to promote? It is not territorial aggrandizement; it is not the addition of population; it is not new sources of wealth for exploitation; it is not the false glory of victory by arms; it is not the old pernicious mirage of national prestige. Those are all discredited nineteenth century imperialistic ideas. The stake in Kashmir, what both Governments want, is the happiness, the peace and the prosperity of their people—Muslim and non-Muslim alike. They want their people to live, to worship and to be governed as they desire. How could that purpose justify a war? How could war promote that purpose?

Kashmir has a population of 4 million. They are now suffering the anguish and destruction which fighting always brings. If the conflict spreads and continues, it will take a generation for them to recover. Kashmir has a population of 4 million. From our office in the Empire State Building we look out over the homes of over twice that number. Four million are a lot of people, but they are 1 per cent of the population of the Sub-Continent. They will need a generation to recover if war occurs. What about the other 99 per cent of the population? They will suffer the ruin I have described.

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I have here with me to act as advisors two great military-men, Lord Ismay, who was on Mr. Churchill's staff during the war, and General Schoones, who commanded in Burma in our desperate campaign. They tell me that in their view, after studying military history, wars very rarely produce the results for which they were begun. In this case war would destroy the purpose of the Governments altogether.

The alternative to war is agreement in the Security Council. Both parties have told us they want peace with justice. Both have told us they want the will of the people of Kashmir to prevail. The representative of India stated this yesterday, and the representative of Pakistan stated it today. Our task is to formulate a plan by which that can be done. Let us press forward with that work.

As from today, let the President of the Security Council confer with the parties, and let them be a drafting committee of the Security Council. Let them go forward from the preliminary agreements which the President recorded in his report the other day. Let them bring us a plan in outline, if it may be, by Monday next. It is only by agreement that the Governments can avert common dangers which threaten them both. It is to their overwhelming material interest to agree. To the peoples of India and Pakistan, with their age-old cultures, their philosophy and their spiritual power, it is much more than a material interest that is at stake.

A distinguished leader in their struggle for independence said a year or two ago: "We in the Sub-Continent have to live together. Let us live in brotherhood and peace. If we do not so live, nature will make us suffer, and after great sufferings we will have to reconcile ourselves to the fact that those whom God united nobody can separate. Any Hindu who offends a Muslim is doing injustice to his own community and country, and any Muslim who offends a Hindu is destroying his religion and the freedom of his country."

That great prophet, Mahatma Gandhi, who has just rendered such supreme service not only to India and Pakistan but also, I think, to all mankind, built the independence movement on the principle of non-violence against the British. I refuse to

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believe that the free Governments of India and Pakistan cannot apply that principle to their own relations. I am convinced that the statesmanship which brought this matter to the Security Council will bring the Security Council to success.

No doubt, to reach agreement, both sides must make concessions, but in the Security Council parties make concessions not to each other but to mankind. In the Security Council all of us have one overwhelming interest: that truth and justice shall prevail. (SCOR, 3rd Year, Mtg. No. 235, pp. 256-260)

90. *Text of the Speech of Mr. Gopalaswami Ayyangar, Representative of India in the Security Council Meeting held on 28 January 1948*

I gathered that the idea of an exposition at length with regard to the scheme proposed on either side had been dropped for the time being, because, when the President put the question as to whether either party wanted to say anything on what had been placed before the Security Council, neither the representative of Pakistan nor I responded. The President then went on to suggest that the Security Council might proceed to consider his own proposal and, further, that instead of dealing with the report as a comprehensive document, the Security Council might concentrate attention at different stages on particular portions of that report.

In this connexion he remarked that we might take up the question of the plebiscite. Unfortunately, I am suffering today under a physical disability in the shape of throat trouble which affects my voice, and while I am desirous of speaking at considerable length on any issue which the President may place before the Security Council—particularly that of the plebiscite—I have to give some consideration to the condition of my voice and should not like to overstrain myself to the point of being unable to speak at all during the rest of the debate.

As the President has mentioned the plebiscite, I should like to make one or two observations for consideration by the Security Council before it goes on to consider that particular issue. If the Security Council is to consider the report as

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presented by the President, I think that it would be of enormous help to the parties concerned if the President could indicate at this stage the procedure which he proposes to follow: that is, whether he intends to take up particular aspects of this matter, debate them and arrive at conclusions on one aspect after another, or to debate this as an issue which has many different aspects and, although discussion takes place on particular aspects at particular stages, to defer conclusions until the discussion of the whole matter is completed.

I would suggest respectfully that, having reached the stage that we have, and having also decided that we must discuss the President's report—which includes two schemes which are very much opposed one to the other in regard to two or three fundamentals—the Security Council must decide whether it intends to follow any particular plan in considering the report. I desire that this matter should be elucidated before offering my comments on the suggestion of the President that we should take one particular aspect and debate it now.

I wish to say this because it seems to me, that since the President himself has said that the one matter on which we are all fundamentally agreed is the stoppage of fighting and the measures necessary to bring that about, it would be putting the cart before the horse if the Security Council omitted to consider that point at the very beginning but proceeded instead to deal with the question of a plebiscite which, if it is in fact a matter for discussion and decision by this body, should come at the very end.

For these reasons I suggest with great respect to the Security Council that it should now take up the question of the order in which it intends to consider the various questions connected with this trouble. I attach the very greatest value to its considering the question of the measures necessary to bring about the stoppage of the fighting before it enters upon the discussion of anything else. I am sorry that I cannot speak at greater length owing to the disability I have mentioned.

The President (*translated from French*): First of all I am sure the members of the Council, like myself, are sorry to have

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learned that the representative of India was finding it difficult to speak. I am sure we all wish for his early recovery and for an improvement in the condition of his throat.

To avoid any misunderstanding I should like to emphasize that I am particularly anxious, and I feel sure all the members of the Council agree with me on this, that the parties should have the fullest opportunity to state their views on anything I have just said in my report. If I have been as discreet as possible in commenting on the proposals submitted by the representatives of India and Pakistan, and on their views on the suggestions I have made myself, it is precisely because I wanted to give them the opportunity of making, on these matters, all the amplifications and comments they judged proper.

I therefore suggest that, in this first discussion at any rate, no restrictions should be imposed, and all points arising during the discussion should be examined. After such a general discussion we should be able to see whether it is advisable to concentrate our attention on any particular point.

Sir Mohammed Zafrullah Khan (Pakistan): At the outset, I desire to give expression to our deep gratitude to the President of the Security Council for his continuous and unfailing efforts to bring the parties together, and to seek a way of settlement between them by agreement. I very much fear that we must have been the source of great weariness to him. However, we never noticed any signs of impatience on his part.

The President of the Security Council has indicated the possibility that his responsibilities in connexion with this particular matter, which he has so far carried with admirable patience, impartiality and courtesy, may have to be transferred to his successor. Of course, that is a matter for the Security Council to decide, but I do venture to express the hope that if it is at all possible, the President, in his capacity as representative of the member States of the Security Council, might be requested to carry on the functions which he has been carrying on hitherto with respect to this matter.

I also desire to associate myself with the wish expressed by

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the President that the representative of India will soon be rid of the impediment from which he is unfortunately suffering this afternoon.

With regard to what the representation of India has just submitted to the Security Council, I desire to say the following. I respectfully venture to submit that it would be of help to the Security Council if it kept in view the scope of the debate with which it is dealing at the moment. It has been represented on behalf of India that the dispute lies within a very narrow scope. India has, in fact, set out this position at the outset of document No. 2, which was submitted by it to the President of the Security Council on 27 January.

Paragraph A of section I of document No. 2 summarizes the point of view of the representative of India. In his opening address, also, he said that the issue was simple and straightforward; that, according to his Government's view, the State of Jammu and Kashmir having acceded to India in regard to defence, foreign affairs and communications, it became India's duty to deal with this threat to the security of the State which had arisen. Accordingly, the representative of India submitted that his Government's dispute with Pakistan is that Pakistan has failed in the discharge of certain obligations of an international character that fall upon Pakistan *vis-a-vis* India and *vis-a-vis* the State of Kashmir.

That is a very simple view to take of the matter. At the very threshold of this problem, Pakistan raised the question of the legality and validity of Kashmir's purported accession to India. That is one problem.

There is another problem: Why is there fighting in Kashmir? Who is fighting? For what are they fighting? What are the incidents that led to that fighting? This problem raises a number of questions to which I have already adverted in the submissions I have made to the Security Council hitherto. But one outstanding fact is that the fight is being carried on mainly by the people of the State, whatever may be the degree of help they are receiving from outside, and the causes which led to that fighting, as well as the objectives which those people set for themselves when they started the fighting. This I have already

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submitted to the Security Council, particularly in the words of Sheikh Mohammad Abdullah himself. That is another aspect of the overall dispute.

True, India has claimed at various stages that all it desired from the Security Council was a directive to Pakistan to do certain things or to refrain from doing certain other things which India alleged it was the duty of Pakistan to do but which it was not doing, or which it was the duty of Pakistan to refrain from doing but in which it was indulging. All those allegations, even if they could be made out in fact—which is disputed—are based upon the assumption of the validity and the legality of the accession of the State of Kashmir to India, which raises, as the Security Council will observe, questions of fact and questions of law.

I submit, with all respect, that the reason why the question of a plebiscite is so important is that, irrespective of the views which the parties take of the questions I have submitted, this is the one point of agreement which can lead to a settlement without the Security Council's having to engage in investigation of facts and an investigation of questions of law which might be of so complex and of so delicate a nature as to necessitate an advisory opinion of the International Court of Justice.

Pakistan was and is willing to forego all these investigations if the one point on which the parties are agreed, namely, the question of the accession of the Kashmir State to India or to Pakistan shall be decided by means of a plebiscite, and if, in order to secure its fairness and impartiality, the plebiscite is carried out under the aegis of the Security Council. If this objective is agreed upon, if the method of settlement is not in dispute between the parties, it seems to me, with all respect, that it is futile to enter into debates that may turn out to be purely academic, having regard to the object that has to be achieved. Therefore, I respectfully submit that the suggestion made by the President should be followed; that the Security Council should concentrate upon securing, at as early a date as possible and under conditions which will ensure that it will be free and impartial, the verdict of the people of Kashmir upon this question.

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Mr. Gopalaswami Ayyangar (India): I have asked the President's permission to intervene, at this early stage, on the particular point which has been raised by the representative of Pakistan. The Security Council was considering whether the question of the plebiscite should have precedence over every other question connected with this problem.

I urged that the stoppage of fighting should have precedence over everything else. The representative of Pakistan has urged that the substantial matter in issue is the question of accession, and, therefore, the question of the plebiscite must have precedence over everything else. In supporting this position, he advanced an argument which, it seems to me, cannot appeal to an international body the primary function of which is to see that every Member of the United Nations respects the rights of other nations and discharges, in the proper manner, its own obligations to other nations.

The argument advanced was: Let us assume that Pakistan is guilty of everything that it has been alleged to have done which it should not have done, and that it has refrained from doing what it should have done. Even so, it seemed to be argued, the question of Pakistan's international obligations would depend, primarity, upon the other question: whether or not Kashmir's accession to India was valid. I submit to this international body that this argument will not stand examination, for this reason: Let us assume—I shall use the same kind of argument that was used by the representative of Pakistan—that this accession was invalid, which we do not for a moment admit; Pakistan would still have been under the obligations from which we say it has departed in this connexion.

Let us assume that Kashmir's accession to India is illegal. What would be the position? The position would be that Kashmir has not validly acceded to India: but it has not acceded to Pakistan at all. So that the position would be the following: Kashmir as a State, standing by itself, contiguous to both India and Pakistan, in a difficulty, appeals to its neighbour, India, for help. The legitimate Government of Kashmir applies to India for help. India goes to its aid. By all principles that govern

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international relations, India has the right to go to the aid of a legitimate Government, even if the opposition to that Government is from its own insurgent nationals. India was perfectly within its rights in going to the aid of Kashmir.

What would be Pakistan's position? I am assuming for the moment, though I do not grant the assumption in full, that the bulk of the trouble in Kashmir is the work of Kashmir nationals, the people from outside having only helped those nationals. I say, in those circumstances, a neighbouring country has to respect the obligations resting upon neutrals under international law in such matters. It has not the right to go, and it cannot claim the privilege or the liberty of going to the help of insurgents against the constituted authority in a neighbouring State. That I submit, is a well understood principle in international law.

Even if India went into Kashmir not as a Dominion to which Kashmir had acceded, but as an independent neighbouring country, we were within our rights. Pakistan, as a similar independent neighbouring country, has not the right to go to the help of insurgents in a neighbouring State. I think the Security Council must recognize this principle of international law. I am not putting this forward as a mere legal, technical argument, but when it is sought to subordinate the precedence of the stoppage of fighting to a question like the plebiscite, then I have to point out what Pakistan's obligations are under international law, even supposing we conceded all that Pakistan claims.

Now the stark fact is there: the fighting is going on today; day after day, hour after hour, the situation is deteriorating. Yet it is proposed that we proceed to debate leisurely the question of the manner in which a plebiscite is to be held. On the question that the plebiscite will be held, there is no difference. The only difference is in regard to the manner of holding the plebiscite, the conditions under which the plebiscite should be held. Are we going to waste time on this matter, before we consider the urgent, the immediate question of stopping the fight in Kashmir?

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Sir Mohammed Zafrullah Khan (Pakistan): I do not claim to be any kind of authority on international law, but even on the point of view submmitted by the representative of India, the question is not disposed of so easily.

I have already submitted to the Security Council the cause of the fight in Kashmir. I drew attention, in my first speech, to the tragic events which have gone on in some of the other Indian States, not very far from Kashmir, where the Muslim population has been altogether wiped out. The people of Kashmir sensing that their Ruler, in spite of the overwhelming population of Kashmir are Muslims, was designing to accede to India and, consequently, fearful that if accession to India were brought about, their fate would be similar to the fate of the Muslims of those States in East Punjab which had acceded to India, were in a state of terror. In Kashmir, the troops of the Maharaja, presumably under his orders, undertook what appeared to the people of those areas of Kashmir to be a campaign of extermination of Muslims. These people, therefore, rose against these acts of extermination; they drove away the forces of the Maharaja from large areas of Kashmir; they set up a provisional Government of their own large tracts of the Jammu and Kashmir State, in which the rule of the Maharaja no longer prevails. Gilgit is one of those huge territories which is in that position, and there are several other portions of Kashmir territory which are in that position.

These people took to arms in order to preserve their very existence and to win back their liberties. I do not know at what stage international law would draw the line as to the provisional *Azad* Government of Kashmir being a Government legitimately fighting for the preservation of the existence and liberty of the people of Kashmir. But that is the picture, and that does raise a delicate question.

The representative of India stated that the immediate and grave question concerns the stoppage of the fighting. But what does he mean by "stoppage of the fighting"? The only proposal that he has advanced with regard to the stoppage of the fighting is that the Security Council should issue a directive that Pakistan do more than it has been doing to stop the

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infiltration of the tribesmen. That is all. Will that stop the fighting in Kashmir? I submit that it will not. Undoubtedly, the object should be to stop the fighting. We are not saying the fighting should not be stopped. But we desire to stress the fact that what we must first consider, is: What will stop the fighting in Kashmir? What will stop the fighting in Kashmir will be the removal of the apprehension of the people of Kashmir that they will be subjected to the fate to which Muslims similarly situated in Kapurthala were subjected or to which Muslim minorities in the States of Patiala, Jind, Nabha and Faridkot were subjected in spite of the fact that, at that time, those States were in accession to India.

That is the first step which will lead to the stoppage of fighting. Once that assurance can be devised and made effective, it will also be the strongest step leading toward the stoppage of the infiltration of the tribesmen. Once the people of Poonch, Mirpur and Gilgit are satisfied that it is for them to decide the question as to whether they will accede to Pakistan or whether they will accede to India, that there will be no persecution of victimization, and that the decision will be entirely in their own hands, the principal grievance—or at least the reason for their terror and apprehension—will have disappeared. It will then be possible to stop the fighting easily.

I ask the President and the members of the Security Council to assume for a moment, without our making any admissions, that the tribesmen could be physically stopped altogether from coming into Kashmir. Does that put an end to the fighting inside Kashmir? Does that settle the dispute between the people of Kashmir and the Maharaja? Up to a certain time, the Maharaja did represent the legitimate Government of Kashmir. I submit that when his troops—as I said, presumably under his orders and direction—undertook this campaign, the elements of which I have already submitted to the Security Council, regardless of what the legal position may have been, the moral validity of his continuing to rule over Kashmir disappeared, and that does raise a delicate question of international law. The only way to settle the dispute, and therefore the only effective way also to stop the fighting, is to convey an

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assurance to the people of Kashmir, so that they may be satisfied that, under impartial conditions, the decision will now be in their hands. That will bring an end to fighting. The mere stopping of infiltration from this side will not stop this trouble inside Kashmir. That is the point which I desire to stress.

91. Text of the Speech of Mr. Gopalaswami Ayyangar, Representative of India in the Security Council Meeting held on 29 January 1948

I am very grateful to the President, to the representative of the United Kingdom, and to the representative of Pakistan for the good wishes they conveyed to me yesterday afternoon as regards the recovery of my voice. I have no doubt that their good wishes have contributed a great deal to the improvement which my listeners, I hope, do notice in the quality of the voice with I speak to them today.

Left to myself, I should have preferred to have been a listener until practically the end of this debate among the members of the Security Council before I elected to say anything at all on what has been placed before us this afternoon. However, I have decided to intervene at an earlier stage because I fear that those members of the Security Council who have not yet spoken might be under the wrong impression that the two draft resolutions which have been placed by the President before the Security Council have the agreement of both parties.

It may be that they have the assent of the representative of Pakistan; I do not know. I am here, however, to state that the draft resolutions as framed do not meet with the assent of the country which I represent here this afternoon. When I say that they do not command the assent of my country, I do not want the Security Council to suppose that I am opposing every word or every idea that is contained in the two draft resolutions. There are, however, substantial matters included in them to which we find ourselves unable to assent.

There was a difference of opinion between the representative of the United Kingdom and myself yesterday afternoon over the question of priority, the question of whether the

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Security Council first should debate the stoppage of fighting or the matter of the plebiscite. I always listen with the greatest respect to whatever falls from the lips of the representative of the United Kingdom. I listened yesterday with the greatest care, and I pondered over everything that he said after I had listened to his speech; but I must confess that on this one matter I am still unrepentant as to the position which I took yesterday afternoon.

In the course of his remarks, the representative of the United Kingdom made an observation which describes the present situation in the Security Council in the most graphic manner possible. As a result of the information which I receive every day from India as to what is happening in my own country, I know it is the opinion in India, which accords and with my own view of the matter, that we seem here to be finding while Kashmir burns. That is a very true description of what is now engaging the attention of the Security Council. I wish to assure the members of the Security Council that I mean no disrespect to any of them. It is possible that their honest view of the matter is embodied in the two draft resolutions which have been placed before the Security Council. However, as I look back upon what has happened in my country and as I recollect and am reminded every day of what is happening in my country, I cannot help thinking that we are now spending time on issues which should be taken up much later in our consideration of the whole problem, rather than on the one issue which should take precedence over all others. That conviction still remains with me in spite of all that the representative of the United Kingdom said yesterday, and in spite of all that has been said by the speakers this afternoon.

I shall tell the Security Council exactly what is the state of affairs in my country. As the Security Council has proceeded to debate the two draft resolutions which have been submitted, I shall discuss the second of these draft resolutions because, in my opinion, that has some remote bearing on the issue which I consider should take precendence over everything else. Before I do so, I wish only to refer to one aspect of the way in which we have drifted into the debate on which we are now engaged.

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I can well understand the inconvenience and the embarrassment which the President of the Security Council must have felt in having to decide between the two opposing views on the question of priority: between myself and the representative of the United Kingdom. It was not an easy decision for him to take. But he seems to have cut the Gordian knot and avoided having to decide between us at all. He has taken the view that both these questions should be put on an equal footing and that he will invite the Council to do something which is very unusual in a deliberative body; namely, he will place drafts of two resolutions simultaneously on the table for debate. Perhaps I have no right to offer any criticism of this procedure; I would only say that it is somewhat unusual.

There is one matter about which, however, I feel a sense of grievance, but the President has already anticipated it. While apparently the drafts of these two resolutions were communicated to every member of the Security Council, as I have to infer from the fact that several of them probably had come prepared to offer their views on the two drafts, I, and I take it the representative of Pakistan also, from what the President said, did not have the opportunity seeing these drafts in advance of the meeting so that we could apply our minds to them and come prepared to give full expression to whatever we had to say on the two drafts. Well, after all, that is a small matter.

The Security Council has drifted into this debate, and several members have already spoken. I have said that I would first offer my views on the second of these two drafts because I consider that it has some relation, though not an adequate relation, to the issue to which I consider the Security Council should first apply itself before it takes up anything else. That issue relates to the stoppage of the fighting. We put that issue in the forefront of our own proposals for a settlement. What we tried to do has apparently been brushed wide. We attempted to propose something concrete, something which a Council of this composition and influence could issue as a directive to the parties concerned in order to bring about the stoppage of the fighting.

That has been passed over. Instead, there is a draft resolution before the Security Council which is, if I may say so without offence, innocuous in the extreme. I say that

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deliberately, because what does it attempt to do? It directs that the Commission, which has been decided on but which has yet to come into existence and find its way to India, ". . . shall take into consideration that among the duties incumbent upon it are included those which would tend toward promoting" —I emphasize "tend" and "promoting"—"the cessation of acts of hostility and violence, and which are of a particularly urgent character."

If there are acts of hostibility and violence, and I say they are being perpetrated every day, and if they are of an urgent character, we are now advising the Commission, which is to come into existence in the future and find its way to India, to take into consideration as one of its duties the duty of doing something which would "tend" to "promote" the cessation of acts of hostility. We want acts of hostility to be stopped, if possible at once, or in the very near future. The directive which the Security Council proposes to give to the members of the Commission is this: "You constitute yourselves, you travel perhaps thousands of miles to India, and when you arrive there you had better recognize that it is one of your duties to find 'ways' which will 'tend' to 'promote' the cessation of hostilities."

Are we nearing the solution of the immediate problem, the cessation of hostilities, with respect to which the representative of the United Kingdom so emphatically agreed with me? Is this not an illustration of our trying to fiddle here while India is burning?

Let us consider what is happening in India today. I received only this morning a telegram which states in part that the following raids in Jammu and Kashmir have taken place since the night of 23-24 January: "23-24 January, raid at Arn; 23-24 January, 1,000 raiders at Ramgarh; 25-26 January, at Blare Chak, 13 miles south of Jammu, 300 raiders." Jammu is the headquarters of the Indian Army today in Kashmir. Thirteen miles from that place there was a raid by 300 raiders only three days ago. The telegram continues: "On 25-26 January another 400 raiders at Arn." They raided our territory and, when our troops went to meet them to drive them back, they retired into Pakistan territory.

This goes on, and later I shall give the members of the

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Security Council an account of the fighting that has been continuing since we made our complaint to this body.

I should now like to draw the attention of the members to the fact that yesterday the representative of Pakistan pointed out that it was necessary for the Muslims of the Jammu and Kashmir State to be given an assurance beyond all cavil that their lives and property would be perfectly safe. I wish to point out that portions of the Indian Army landed at Srinagar, the summer capital of Kashmir, on 27 October. There was one very unfortunate killing of Muslims 200 miles away, near Jammu City, on 4 November. There was another attempt at a similar killing on 6 November, but the attackers had the worst of it. Our troops engaged them and inflicted 150 casualties. If these two incidents, which really constitute one incident, of group killing of Muslims are left out, it will be seen that during all the period that our troops have been in Kashmir there has not been another instance of group killing of Muslims.

What is the account on the other side? There were mass killings during the same period of non-Muslims by Muslims in the thousands at places like Mirpur, Bhimbar, and Rajaori. On 16 January, only about a fortnight ago, the village of Panayat, twenty-two miles northwest of Riasi, in the province of Jammu, was sacked by a Muslim mob of 4,000. Large numbers of Hindus were killed and a number of women abducted. That is the state of affairs.

I ask the members of the Security Council whether, while these incidents have been taking place, even in the recent past, while attacks have been made from day to day on our borders from the Pakistan side, and while raiders have been driven back only to take refuge in Pakistan territory, we are discharging our obligations to world opinion if we ignore this situation, if we do not take the obvious, concrete step of asking that the facilities which these raiders enjoy for committing these murders and causing these depredations should be denied to them. Are we meeting our obligations? Should it not go direct from the Security Council that these killings should at least stop, beginning tomorrow?

What is it that we are asking? The halting of killings is all that we are asking. We have not even copied the example set

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by Pakistan when its representative asked that those who participated in massacres and killing in the past should be brought to justice to be hanged by their necks until they were dead, as if we were going to conduct another Nurnberg Trial in India. That is not what we have been asking. We say merely that incidents have happened, incidents are happening today. They happened because of facilities which are available in Pakistan. Should we not tell Pakistan: "Please put a restraint upon these incidents. Please deny these facilities. Please refuse this assistance, at least in the future?" Is that too much to ask? Even if there were a war between India and Pakistan and we were considering the question of bringing about peace between the two Dominions, what would be the first step that in common sense we should take? Is it not that the fighting should stop? Is it not that acts of hostility should at least be placed under a truce for the time being? Yet we do not do that. We say, let us look at the farthest end of the long-range solution, and let us decide that now. Then the fighting will stop of its own accord. Is that the proper way of looking at a problem which is costing lives, which is costing the honour of hundreds and thousands of women in my country?

Now, I have said that what we have been asking for is this simple thing. Members of the Council might well ask me, "Well, you assume that the Pakistan Government is responsible for these facilities being given to these raiders, these marauders and murderers. Have you any proof that is true? Pakistan has denied it. We have created a Commission, and unless that Commission went out to India, made an inquiry and submitted a report, can we ask the Pakistan Government to do what you want it to do?" That is a very legitimate question to ask. I submit, however, that there is enough material before the Security Council to enable it, if not to find Pakistan guilty of what has happened in the past for purposes of punishment, at least to ask Pakistan to desist from giving the assistance which these raiders, marauders and murderers are finding in Pakistan territory.

It has been said that the responsibility of Pakistan is not very clear at all. I referred yesterday to some well recognized

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international obligations. I shall not quote any book on international law for that purpose; I am sure every member of the Security Council is aware what its international obligations are. I shall quote only two passages from a report submitted to the Security Council by a Commission appointed by it to make an inquiry into a matter of similar nature in another part of the world, namely, Greece. Here is what the Commission said with reference to this matter:[1] "the existence of disturbed conditions in Greece in no way relieves the three northern neighbours of their duty under international law to prevent and suppress subversive activity in their territory aimed at another Government, nor does it relieve them of direct responsibility for their support of the Greek guerrillas."

It is the contention of the representative of Pakistan that the trouble in Kashmir is due essentially to the fact that certain people in the Kashmir State revolted against constituted authority because of their grievances against it; that other people went to their assistance from outside—from Pakistan and from the tribal areas. Let us take those facts into consideration. On those facts, I say it is duty of the Pakistan Government to prevent that assistance going to insurgents in Kashmir. The quotation to which I have just referred, from the report of the Commission established by the Security Council, was blessed, if not by the unanimous opinion of the Security Council, at least by the great majority of its members. That is a sufficient indication of what the obligations of Pakistan are, even on the basis of its own admission.

Another portion of the same report I have referred to states the following[2]:

> "In the light of the situation investigated by it, the Commission believes that in the area of its investigation future cases of

1. See report to the Security Council by the Commission of Investigation concerning Greek Frontier Incidents (document S/360), volume I, p. 181 (mimeographed text).
2. See report to the Security Council by the Commission of Investigation concerning Greek Frontier Incidents (document S/360), volume I, p. 248 (mimeographed text).

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support of armed bands formed on the territory of one State and crossing into the territory of another State, or of refusal by a Government, in spite of the demands of the State concerned, to take all possible measures on its own territory to deprive such bands of aid or protection, should be considered by the Security Council"—I would ask the Security Council to mark these words—"should be considered by the Security Council as a threat to the peace within the meaning of the Charter of the United Nations."

I have said that the material already before the Security Council is more than sufficient to pin this obligation upon Pakistan. Times without number India has asked Pakistan, appealed to it, pleaded with it to stop this aid and assistance. We did not succeed in India. We therefore came to a body the first duty of which we thought—and I hope the Security Council will enable us to think so permanently—was to see that what is recognized as a proper international obligation was discharged by every one of the Members of the United Nations. We came and asked the Security Council to send forth this fiat: "Here is a well-recognized obligation; we say that you have not discharged it, on your own admissions. Will you discharge it at least for the future?" The answer we have received in reply to our proposal is, "Our Commission has been appointed; it will go to India and will recognize among its duties the duty of doing something which will 'tend' to 'promote' the cessation of hostilities."

I said that, on the admissions of Pakistan itself, there is sufficient material before the Security Council with reference to this matter. I shall now refer, in some detail, to these admissions, and after I have finished with them, I shall invite the Security Council's attention to the evidence of some eye-witnesses. In order that the evidence might not be suspect, I have selected eye-witnesses who cannot be convicted of bias on either side.

I wish to turn to the admissions. In document No. I, attached to the letter dated 15 January 1948, from the Minister for Foreign Affairs to Pakistan to the Security Council [*document S/646*], which is a reply to the Indian Government's

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letter of 1 January 1948 [*document S/628*], it is admitted in paragraph 3 that "...a certain number of independent tribesmen and persons from Pakistan are helping the *Azad* Kashmir Government in its struggle for liberty as volunteers." My case is that, even if we concede that it was a struggle for liberty in Kashmir and that the people who went over to assist those who were fighting for liberty in Kashmir were volunteers, if they came from Pakistan it is the duty of the Pakistan Government to prevent them from giving that assistance.

In document No. III, which is attached to the same letter the following is stated in paragraph 18: "Consequently, some of these refugees and other Muslims from contiguous areas who had numerous ties of relationship with the persecuted Muslims of the State, went across to assist their kinsmen in the struggle for freedom and indeed for existence itself." Is that not an admission that these people went from Pakistan, since the only contiguous areas are those of Pakistan in the south and west? It is not the Pakistan Government's case that people from the east, from the Dominion of India, went to the assistance of these insurgents in Kashmir. On the fourth side there are only the high Himalayas. If people went from contiguous areas to the assistance of these people, they must have gone from Pakistan.

In paragraph 21 of the same document is stated the following: "In view of this background, it is not surprising if independent tribesmen and persons from Pakistan, in particular the Muslim refugees (who, it must be remembered, are nationals of the Indian Union)...." This is an extraordinary remark in this document. These Muslims, because of the two-nation theory, had migrated from India to Pakistan, because they wanted to be in what they believed would be an Islamic State. No doubt in theory, and until their nationality in the Indian Union is snapped by legal methods, they are Indian nationals. However, to lay emphasis on that fact in a document of this nature passes my understanding. The document states: "It is not surprising if independent tribesmen and persons from Pakistan, in particular the Muslim refugees (who, it must be remembered, are nationals of the Indian Union) from East Punjab, are taking part in the struggle for the liberation of

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Kashmir as part of the forces of the *Azad* Kashmir Government." This is another admission that these people have gone from Pakistan.

In the course of his speech on 16 January 1948 before the Security Council [*228th meeting*], the representative of Pakistan stated the following while referring to the people of Poonch in Kashmir: "They were compelled, in view of the horrors committed elsewhere, with which they were now faced, to evaluate their women and children, take them out of Poonch, and put them in West Punjab, and then come back to fight with weapons borrowed or taken from their friends or relatives in West Punjab." This is a tardy admission, no doubt, but an admission which shows that weapons were either borrowed or taken from friends or relatives in West Punjab and were taken to the scene of this conflict for the aid of the insurgents.

The representative of Pakistan had further repeated what the Prime Minister of Pakistan had stated much earlier—namely: "Kashmiris—and especially the inhabitants of Poonch—had many relatives in Hazara and in West Punjab. Consequently, feelings in certain parts of Pakistan rose very high and some people from the North West Frontier Province and the tribal areas, stirred by the atrocities in Kashmir, rushed to the aid of their brethren."

The Prime Minister of Pakistan, in a telegram to the Prime Minister of India—and this is quoted in the recent address [*228th meeting*] of the representative of Pakistan—stated as follows: "In Poonch Muslims were attacked, and those in Jammu massacred by mobs led by Kashmir State forces, and when it was evident that there was to be a repetition in Kashmir of what had happened in East Punjab, it became impossible wholly to prevent tribes from entering that State without using troops, who would have created a situation on the frontier that might well have got out of control."

In this connexion I wish to refer to one very important point which has emerged from the statement made by the representative of Pakistan from time to time. The representative of Pakistan contended that, in so far as these tribesmen are concerned, the Government of Pakistan tried to discourage

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their proceeding to Kashmir by every means short of war. Let us assume that it is a fact that that Government has attempted to discourage these tribesmen from going to Kashmir. The fact remains that these tribesmen have entered Kashmir in their thousands; they are now in Kashmir in their thousands; more tribesmen are on their way to Kashmir in their thousands. A discouragement short of war has apparently had no appreciable effect on these tribesmen.

I submit to the Security Council and to the representative of Pakistan that, if measures short of war fail to prevent the infiltration of these people into Kashmir, it is the obligation of the Government of Pakistan to resort to measures of war against these tribesmen. I consider that this is a point on which the Security Council may usefully spend some time in debate, if not for resolving the trouble between the Government of Pakistan and India, at least for the guidance of nations which may come into conflict in the future in similar circumstances.

That duty, which we contend rests upon Pakistan, has yet to be discharged by its Government. There have been varying estimates as to the numbers of these Pakistanis that are in Kashmir today, whether residents of the settled tracts of Pakistan or residents of the tribal areas. But that it is a substantial number goes without saying. The lowest percentage that the delegation of Pakistan has relied on for these Pakistanis in Kashmir, both tribesmen and others, is 35 per cent. Our contention is that it is a much larger percentage. However, assuming that 35 per cent is the correct estimate, the obligation still rests upon Pakistan to prevent this augmentation of the ranks of insurgents in Kashmir by as much as 35 per cent insurgents against the constituted authority in the State. These tribesmen are present in Kashmir.

What do we say the Pakistan Government has been doing? Our case is that the Pakistan Government, or at any rate officers connected with the Pakistan Government, are not altogether exempt from the charge of having actively offered help and encouragement, and thereby having made it easier for these raiders to proceed to Kashmir. I shall quote some testimony in this regard shortly.

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For the moment, I shall deal with the question of what the Pakistan Government may be said to have admitted. We contend that these tribesmen and others have bases in Pakistan. There has been some denial of this fact. We contend that tribesmen have passed through Pakistan to Kashmir, and some argument has been advanced that this has not been established beyond all doubt.

In his speech, the representative of Pakistan stated that a tribesmen's leader had said, in the course of an address presented at the time of the Pakistan Prime Minister's visit to the tribal areas, that Pakistan had not given them sufficient help and had prevented them from going into Kashmir, so they were taking the route via the State of Swat. The representative of Pakistan said, "The State of Swat—if again the members of the Security Council will turn to their maps—is almost on the border of Kashmir itself and is contiguous with the whole of the rest of the tribal area. That is one answer to the allegations of the representative of India that nothing was being done by the Pakistan Government to stop these tribes, namely, the complaint of the tribes themselves that, owing to the lack of co-operation of the Pakistan Government, they found it necessary to cross the frontier from Swat to Kashmir."

I would beseech the patience of the members of the Security Council and ask them to look at their maps once again. Swat is no doubt contiguous to the tribal area; it is not contiguous to Kashmir. There is a bit of the North West Frontier Province stretching out like a kind of tongue between the Swat State and the Kashmir State. That perhaps explains why the representative of Pakistan was careful to qualify his observation by using the word "almost". But what he said subsequently might have given the members of the Security Council the impression that because the Pakistan Government prevented the tribesmen from passing through Pakistan territory into Kashmir, the tribesmen used some territory other than Pakistan territory as a route for reaching Kashmir.

If my recollection is correct, Swat as a State has acceded to Pakistan. I am subject to correction on this point. But even

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if Swat had not accepted to Pakistan, it would still be geographically impossible for any tribesman from the tribal areas to reach Kashmir except through Pakistan territory. If Swat has acceded to Pakistan he would travel the whole way from his tribal area to Kashmir through Pakistan territory. If Swat has not acceded to Pakistan he would still, after crossing Swat, have to pass through the North West Frontier Province in order to reach Kashmir territory. That is a very minor point, but it is necessary for us to eschew, if possible, wrong impressions that might have been created.

I have referred to the recent tour of the tribal areas by the Prime Minister of Pakistan. He went there on an official visit accompanied, I take it, by a number of foreign correspondents. The following is an extract from a speech made by him in reply to an address of welcome by Afridi tribesmen, as reported in a bulletin entitled "Pakistan Affairs", for which we have to be grateful to the Ambassador of Pakistan in the United States. It says:

> "Mr. Liaquat Ali Khan assured them that, as an autonomous part of Pakistan, the tribal belt would receive full consideration and sympathy from the Central Government." He proceeds: "You have played a prominent part in the achievement of our cherished goal of Pakistan. I assure you that you will be treated on an equal footing with people in settled districts, enjoying the same rights and privileges."

The report continues: "He thanked the tribesmen for reiterating their allegiance to Pakistan, and pointed out that the State would prosper only with complete solidarity among its nationals."

By implication the Prime Minister of Pakistan counted tribesmen among Pakistan nationals. I have been in some doubt for days past as to whether I could describe these tribesmen as Pakistan nationals, but whether or not they are such in law, here is the Prime Minister of Pakistan so describing them by implication. He added: "The tribal people are flesh of our flesh, and they shall be sharers in our schemes for economic, educational and political uplift for our people."

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That is an aspect which must convince the Security Council that people in Pakistan, whether in the settled districts or in the autonomous tribal areas, have gone over in thousands into Kashmir State for the purpose—let us suppose, for the moment —of helping certain insurgents in their great fight for liberty and national freedom in that State. On the strength of that admission I think that the Security Council should consider it its duty to tell Pakistan that it has no right to allow this sort of thing and must stop it from now on. That is what we are asking.

I said that we had made other allegations, namely, that Pakistan provides bases, supplies, arms and ammunition. Pakistan has categorically denied that anything of this kind is being done. There is, however, one very significant document in this connexion, and as it is the latest of its kind I should like, with the indulgence of the Security Council, to read it fairly fully. It is a despatch which appeared in this morning's *New York Times*, and it gives the report of an interview which the representative of that paper in India had with an ex-officer of the United States Army named Russell K. Haight Jr. who, for two months, is supposed to have held the rank of Brigadier-General of the rebel forces in Kashmir State.

(SCOR, 3rd Year, Mtg. No. 237, pp. 293-303)

92. *Continuation of the Text of the Speech of Mr. Gopalaswami Ayyangar, Representative of India in the Security Council Meeting held on 3 February 1948*

I had not finished what I had to say on the two draft resolutions placed before the Security Council by the former President, the representative of Belgium, when we had to adjourn the meeting on Thursday afternoon last. I had hoped to resume my statement on the following day. However, a great tragedy intervened, and the resumption of my statement had to be postponed for another four days.

As there has been a substantial interval between the time when I made the first part of my statement and today, perhaps

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it will help the members of the Security Council if I briefly recapitulate the points which I tried to make at that time.

I pointed out that the first business of the Security Council, in connexion with the Jammu and Kashmir situation, was to take concrete steps immediately for the purpose of bringing about a stoppage of the bloodshed and the fighting that is now going on inside the State. For this purpose, I drew attention to what I considered to be the obvious obligations of Pakistan as an international personality, and, in that connexion, I drew the attention of the members of the Security Council to what had been accepted as such obligations in similar situations.

I then went on to demonstrate to the members of the Security Council that there was already enough material before them to enable them to give advice and make a recommendation to Pakistan, with a view to bringing about this stoppage of fighting as soon as possible. In that connexion, I put aside all the material which we may be able to place before a commission, if and when it starts any detailed inquiry. I put aside material which perhaps would require more adequate proof than is possible to obtain in New York. I also put aside opinions and mere impressions which gave some idea of the state of things with regard to the points that we ourselves had raised. I proposed to invite the attention of the Security Council only to admissions which the representatives of Pakistan—not merely those who are here, but those in Pakistan—had made in this connexion.

I proposed also to invite the attention of the Security Council to accounts of what I called eye-witnesses, persons who were given special opportunities for observing facts and reporting them. I had almost completed the part of my case dealing with admissions. I was about to read the account of someone who might be expected to be very familiar with the state of things in the theatre of fighting when I had to interrupt my speech.

Before I take up the thread of the story from that point, I wish to fill in an omission which, unfortunately, occurred in the earlier portion of my statement. It relates to what I have described as the obvious obligations of Pakistan as an international

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personality. I quoted, I think, two extracts from the report to the Security Council of the Commission of Investigation concerning Greek frontier incidents. Those extracts showed what was the correct attitude in those circumstances.

I now wish to invite the attention of the Security Council to what happened after that Commission reported, first in the Political and Security Committee, and later on in the General Assembly of the United Nations. After a great deal of debate in the Security Council, the matter was finally brought before the General Assembly, and the United States delegation submitted a draft resolution to the First Committee. I shall not read the long resolution that was submitted; I shall read only paragraphs 3 and 4 of that resolution [*document A/C.1/191*][1] which are as follows:

> "*Finds* that Albania, Bulgaria and Yugoslavia, in contravention of principles of the Charter of the United Nations, have given assistance and support to the guerrillas fighting against the Greek Government;
>
> "*Calls upon* Albania, Bulgaria and Yugoslavia to cease and desist from rendering any further assistance or support in any form to the guerrillas fighting against the Greek Government."

That was taken up in the General Assembly, and in view of what has fallen already from the lips of the representatives of the United Kingdom, the United States and France, I desire to draw attention to what happened in the course of the debate regarding that draft resolution. The representatives of the United Kingdom and France proposed amendments[2] to it. Their amendments were in similar terms. They were to the effect that paragraphs 3 and 4 of the United States proposal be deleted and be replaced by the following:

1. See *Official Records of the Second Session of the General Assembly*, First Committee, annex 15b, p. 591.
2. *Ibid.*, annexes 15j and 15o.

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"*Taking account* of the report of the Commission of Investigation which found by a majority vote that Albania, Bulgaria and Yugoslavia had given assistance and support to the guerrillas fighting against the Greek Government;

"*Calls upon* Albania, Bulgaria and Yugoslavia to do nothing which could furnish aid and assistance to the said guerrillas."

I have read there portions of the resolution and amendments to the Security Council merely to show how, in a similar situation in Europe, these three great countries took the view that, before anything further was done in connexion with the situation they had to consider, it was absolutely necessary that those countries on the borders of Greece, from which those who invaded Greece were receiving help and assistance, should be called upon to stop that help and assistance.

The members of the Security Council are probably already aware of the fact that the Union of Soviet Socialist Republics did not see eye to eye with these three great countries as far as this matter was concerned. I do not wish to go into the merits of the different cases presented by these two sets of countries, but there is one point which I think is relevant so far as my case is concerned. I venture to submit that the opposition of the USSR to this resolution calling upon these three countries on the borders of Greece not to do anything which would assist or aid the invaders or raiders, was due to the fact the USSR did not accept as correct the finding of the Commission of Investigation concerning Greek frontier incidents as regards the actual giving of aid and assistance. While the USSR attacked the resolution on other considerations as well, it did not vote for this part of the draft resolution—I believe it abstained, rather than voting against it, but I am subject to correction in that regard—because it was not convinced of the case against those three countries.

I express the hope that, had the USSR been convinced of the correctness of that finding, it would not have had the slightest hesitation in subscribing to the obvious proposition that

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international obligations required that these three countries should be called upon to stop the help which was being given from their territory.

I think the USSR also took the position that a great deal was needed for putting aright the Government inside Greece, and that that was the ultimate and fundamental objective that had to be achieved before dealing with the stray border incidents, and so on. With regard to that position, if the members of the Security Council will look at the scheme that India has presented for solving this Jammu and Kashmir trouble, it can be seen that we suggested proposals which are calculated to achieve the end which was so insisted upon in the case of Greece by the countries which did not vote with the majority.

Having said that, I wish to invite the attention of the Security Council to certain passages in the speeches of representatives of countries voting with the majority, which show how important they considered the question of asking Greece's northern neighbours to stop giving aid and assistance.

Mr. Johnson, the representative of the United States of America said: "The evidence shows beyond doubt that Albania, Bulgaria and Yugoslavia have furnished material assistance to Greek guerrillas fighting against the legal Government of Greece. It shows that this assistance was continued even while the Security Council was actively debating the problem all through this last summer."[1]

Interpreting it as assistance derived from these areas, this description of what was taking place in these three countries in relation to Greece is exactly what we say is taking place today in regard to Jammu and Kashmir. While we are sitting and debating this question at leisure in the Security Council, this assistance is being rendered, and fighting is actually going on. Mr. Johnson described the part of the resolution to which I referred as the operative part. He said: "It also calls upon Albania, Bulgaria and Yugoslavia, on the one hand, and Greece, on the other hand, to settle their disputes by peaceful means."

1. See *Official Records of the Second Session of the General Assembly*, Plenary Meetings, Volume I, 98th meeting, p. 402.

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Turning now to another portion of Mr. Johnson's remarks during the debate, here is an observation made by him which, I think, is of particular importance in connexion with our case. Mr. Johnson said: "Further, since [the Greek Government] was the legal Government of Greece, no State had the right to give assistance to armed bands wishing to overthrow it. That was the essential situation before the Committee."[1]

I would now read some portions of a very thoughtful speech which was delivered by Mr. Delbos, the representative of France. He said: "The Greek question seems to us to have two aspects, or more precisely, to have a general aspect and a particular aspect. The general aspect is that this question is but an episode in the major trends of the world. The particular aspect is the actual situation on the frontiers between Greece and her northern neighbours."[2]

Then, after referring to various considerations in dealing with these two aspects, he went on:

> "That, from the outset, singularly restricts the possibilities and the efficacy of an intervention on the part of our Organization. Such an intervention must be limited to the particular aspect of the Greek problem of which I spoke just now, I mean to say the existing situation on the frontiers of Greece with Yugoslavia, Albania and Bulgaria and the repeated, frontier incidents, which are not contested by anyone. That is the problem with which we are actually—and so to speak, statutorily—confronted. That is what lays on us a responsibility, because we have the right, and consequently the duty, to do everything we can to prevent peace and security in the Balkans, and perhaps throughout the world, from being endangered by a repetition of these incidents.
>
> "That is the real question, which must not be obscured by polemics and propaganda activities."

"The essential thing," he proceeded to say "is to find a way to prevent any aggravation of the situation." I do not wish to

1. *Ibid.*, First Committee, 72nd meeting, p. 110.
2. *Ibid.*, Plenary Meetings, Volume I, 99th meeting, p. 440.

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weary the members by quoting from other parts of speeches made by various members of the Security Council, but what I wish to insist on is this: When we are confronted with a situation such as has been brought before the Security Council by India, and India asks the Security Council to do something which would immediately stop the fighting and, therefore, eliminate the threat to international peace and security, I submit to the Security Council, with the profoundest respect, that its first duty is to take the steps necessary for bringing about a stoppage of the fighting.

India is not trying to avoid the consideration or discussion of the measures that may be necessary, once the fighting has been stopped, to keep it stopped—to use a phrase which I think the representative of the United Kingdom used. India is not afraid of discussing those measures. In fact, in the scheme that India has submitted for consideration [*236th meeting*] which is one of the documents before the members of the Security Council, it has made suggestions which would deal with this long-range aspect of the problem.

Having filled in what I considered was an omission, because I thought it was necessary to draw the attention of the Security Council to what has happened in similar case, I shall now proceed with the thread of my story from where I left it on 29 January. I was then referring to a person who is an ex-sergeant of the United States Army Air Force. I think he went over to certain Eastern countries in search of employment, but apparently he was also a soldier of fortune and drifted into the service of the organization which is conducting a certain amount of fighting inside the State of Jammu and Kashmir. The members of the Security Council have all heard of the *Azad* Kashmir Government. He entered the service of this organization and became a brigadier-general in charge of troops or fighters consisting both of local inhabitants and tribesmen.

Robert Trumbull, the representative of the *New York Times* in India, who has been quoted by the representative of Pakistan, sent a dispatch to his paper here, under date of 28 January. It is a longish dispatch and I do not propose to read the whole of it. It is not my purpose to slide over anything

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that he may have said, but I am trying to make two points and I think it will suffice if I quote only those portions of the dispatch which have a bearing on the points I am trying to make.

This is what Mr. Trumbull says:

> "I interviewed Mr. Haight clandestinely in Lahore, Pakistan, twelve days ago, but I agreed to hold his story until he let me know by code telegram that he was leaving the country. This was because there had already been three attempts on his life, and when I met him he felt that his safety in Pakistan was none too secure. He was in fact very decidedly 'on the lam'"—whatever that may mean. "Wearing a jungle green uniform with a brigadier general's insignia and the black and white *Azad* Kashmir flash, written in squiggly Urdu, on his shoulder, Mr. Haight led tribesmen and native Kashmir Poonchis in several engagements against the Indian Army. The slim, blond, former United States Army Air Force sergeant was a picturesque figure in his *kula*—a straw bonnet shaped like a beehive—and an eighteen-foot Poonchi turban which he learned to wind himself. In the field, he discarded his ten-gallon Stetson because it looked too much like the hat worn by the Indian Army Gurkhas."

Then he describes more of the characteristics of this man and the experiences he had when he was in the service of the *Azad* Kashmir Government. Thereafter, he proceeds to say: "Mr. Haight said gasoline—a scarce and strictly rationed commodity—was supplied plentifully to the raiders by the Pakistan authorities." It is part of our case that help, in the shape of petrol, among other things, has been received by the raiders and rebels in Kashmir from certain Pakistan authorities. Here is someone who was actually leading the army of the raiders and rebels, and who told Robert Trumbull that gasoline was supplied plentifully by the Pakistan authorities.

He then proceeds with the dispatch as follows:

> "Mr. Haight also found Pakistan Army personnel running the *Azad* Kashmir radio station, relaying messages through

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their own Pakistan Army receivers, organizing and managing *Azad* recampments in Pakistan, and supplying uniforms, food, arms and ammunition which, he understood, came from Pakistan Army stores through such subterfuges as the 'loss' of ammunition shipments.

"Although he insisted that the Kashmir fighting broke out in rebellion against atrocities committed upon Moslems by the Hindu Maharaja's Dogra troops, Mr. Haight characterized the *Azad* Kashmir Provisional Government, headed by Sardar Mohammed Ibrahim Khan (who is now in New York), as 'Pakistan puppets.' He also deeply implicated high Pakistan Government officials, notably the Premier of the North West Frontier Province."

I do not wish to read more of this. I understand that on landing in New York this estimable gentleman had an interview in which he is reported to have said that both India and Pakistan were lying. It may be his opinion that we are lying, but we only hope that in the statements made to Robert Trumbull he did not himself lie, and that he will stick to what he says. I read these passages from Robert Trumbull's dispatch merely because they furnish corroboration of matters about which we can produce any amount of acceptable proof on any properly conducted inquiry. I have quoted them, too, because I am interested in convincing the Security Council that the material now available to it is sufficient to enable it to take immediate action in the direction I have indicated; and I hope that it will be realized that an American speaking to another American, and having intimate knowledge of what was happening in these disturbed areas on account of the position he held, was not likely to have concocted a story for mere newspaper consumption.

That is about the latest dispatch which I have but I should like to quote passages from other sources of a similar nature which support the case I am trying to make. Here is an extract from a dispatch published in *The Times* of London on 20 January 1948, from its special correspondent at Rawalpindi. One fact to note is that the dispatch gives an account of Press

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conference held by one of the ministers of the *Azad* organization at Rawalpindi. It says:

> "Although this Government"—that is, the *Azad* Government —"has all the nomenclature of Government machinery, it is difficult to assess either its power or the amount of its control. At present it could be just a facade, an effort to dignify revolt and invasion being fought in far-away hills completely foreign to the back rooms and hotel lounges in which its members work and talk. These men have none of the characteristics associated with revolutionary leaders, but it is obvious that the military commanders of the *Azad* forces are in agreement with them.
>
> "The military commanders are more impressive. Many of them are ex-officers of the 'Indian National Army' formed by the Japanese, but this despicable background in no way detracts from their obvious prowess and efficiency."

A description is then given of the troops these officers commanded, and the report continues:

> "These mobs, however, were composed of thousands of Poonchis and Mirpuris with military experience—9,000 Poonchis served overseas in the late war—and they were now more or less organized into twenty-four battalions. The tribesmen constituted the other half of their forces, but were an undependable element."

Then comes a paragraph which is somewhat significant:

> "In spite of the recent efforts of the Pakistan Prime Minister, Mr. Liaquat Ali Khan, to persuade the tribesmen not to take part in the Kashmir campaign, hundreds of them are still swarming down on the Grand Trunk Road through the North West Frontier Province and West Punjab. Many of them, although not in such large numbers as alleged by Pandit Nehru, can be seen in the towns near the Kashmir and Jammu border."

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I rely on that last paragraph as proof of one of the main allegations that we are making—that Pakistan gives access to these people, that they pass through Pakistan territory before entering Kashmir, and that in Pakistan territory they have a number of bases.

If the members of the Security Council will look at their maps, I can enumerate for them the points concerned, from the northwesternmost corner to the southeast corner of the boundary between Kashmir and Pakistan, starting from Abbottabad, passing through Rawalpindi, coming down to Jhelum, Lalamusa, Gujarat, Sialkot, Shakargarh and Chak Amru. All along that border from one end to the other, there is a series of places where these genetlemen from the northwest are concentrated and looked after, and from these places they make raids on Kashmir territory. When Indian troops engage them, they run back into Pakistan territory.

That is our case. I challenge any member of the Security Council to go to that area and to satisfy himself whether or not what I say is almost literally true. The things are there for any member to see. They happen every day, and here is the special correspondent of *The Times* of London who tells how these people go through the two Provinces of Pakistan—the North West Frontier Province and West Punjab—from end to end along the border with Kashmir, from where they conduct their operations.

I also have a later account, again published in *The Times* of London, dated 26 January 1948. It comes from that newspaper's special correspondent at Lahore, and is an account of the tour of the tribal territories by the Prime Minister of Pakistan. In the course of that account this passage occurs, describing the fighting in Kashmir:

> "Religion can be a double-edged weapon. Many tribesmen describe the fighting in Kashmir to be a *Jehad* (holy war); others are willing to use such a movement as an excuse for their love of fighting and desire for loot. Peaceful elements may be willing to co-operate with Islamic Pakistan, but a 'holy war' combined with bloody excursions in search of loot and women is more to their taste.

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"Appeals to support Pakistan by not participating in the fighting in Kashmir fall on deaf ears, and any effort on the part of Pakistan to restrain them will further antagonize them.

"There is ample evidence that Pakistan has tried to restrain them. Throughout his tour Mr. Liaquat Ali Khan was met with complaints about lack of official assistance for the Kashmir campaign and about attempts by political agents to prevent the departure of volunteers."

Close to the end of this account is a passage which is of more than ordinary significance. It urges:

"In spite of these efforts the Indian indictment which now lies before the Security Council alleges Pakistan intervention in Kashmir. While they are roaming over the hills of Kashmir and Jammu, the tribesmen do not constitute any direct threat to the already uneasy peace in the Dominion, but Pakistan leaders are well aware of the difficulties which lie ahead. The Grand Trunk Road through the North West Frontier Province and West Punjab is swarming with armed bands marching and riding in the direction of Rawalpindi, Gujarat, Jhelum, and other points of access to Kashmir. Many, for the first time in their lives, are seeing well-irrigated fields and bazaars bewildering in the variety of the goods displayed. Frightened shopkeepers have seen their stocks disappear into tribal fighters' haversacks without payment. Little loot remains on the cold, rain-soaked hills in Jammu, and there is thus a real danger that many tribesmen will turn westwards." By "turn westwards", the writer means into Pakistan itself.

It is further stated in this dispatch: "The total number of tribesmen engaged in the operations is estimated at between 10,000 and 20,000. The task of removing them will be extremely hazardous, if not impossible, and the resentment of the tribesmen will be Pakistan's only reward."

I referred to the tour of the tribal areas by the Pakistan Prime Minister. He did his utmost to fraternize and make

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friends with the tribesmen. I should like to repeat that these people are not of a mettle which is easily susceptible to offers of friendship and fraternization. This is obvious from the way in which the tribesmen acted on the advice apparently given by Mr. Liaquat Ali Khan. However, one has to recognize that these people have to be tackled with strength and firmness. Fraternization interspersed with encomiums on whatever they are doing or whatever they proposed to do in Kashmir, will not aid in stopping these people from going to Kashmir.

A report from the *Daily Telegraph* of London, dated 20 January 1948, by its correspondent Douglas Brown, carries an account of an interview which Mr. Brown had with a member of the *Azad* organization. I shall ask the Security Council to note that this interview was granted to this correspondent at the Pakistan Army Headquarters in Rawalpindi. I shall not touch upon what happened between the Minister and Douglas Brown. The following is Mr. Brown's report of the speech of Liaquat Ali Khan:

> "In a speech Mr. Ali Khan reiterated what he said many times during the past week, that Pakistan was heart and soul with the *Azad* Government, but refrained from joining the struggle for fear of causing war between Pakistan and the Indian Union which would be disastrous to Moslem interest generally."

Here is another account of part of this tour which appeared in the *New York Herald-Tribune*; it is by Margaret Parton, who has already been quoted by the representative of Pakistan:

> "The tribal chieftain, the Chief of the Shinwari tribe, a sub-sect of the Afridis, is supposed to have said in the course of this tour: 'Our blood has been shed in Kashmir and we are determined to have revenge. There is a blood feud now between the Muslim tribesmen and the Dogras of Kashmir. The fight is between us and has nothing to do with Pakistan or with any other United Nations Member Nation. Kashmir belongs to us by right of religion and contiguity, and as soon as the snows are gone, we shall capture it.' After the

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conference the leaders said they had told the Prime Minister they would not accept any compromise on Kashmir reached between India and Pakistan. 'We want revenge not only on the Kashmiris, but also on India. We will fight this battle not only in Kashmir, but also in Delhi and Patiala.' "

Discussing the matter with these tribesmen, the Prime Minister, Liaquat Ali Khan, is reported to have said that he had made no commitments to the tribes but felt they could eventually be influenced by fair argument. I hope his anticipations will be realized. However, according to our knowledge of these tribesmen, and we have known them for over a century and a half, this is perhaps too optimistic a note even for a prime minister. The article continues: "If the United Nations decision appeared to have been made with Muslim interests in mind, Pakistan would be able to persuade them to accept the decision provided it seemed just."

With regard to the whole of this tour, there is one significant adjective which is used in an account sent to the *New York Herald-Tribune* by Margaret Parton on 16 January. I shall read it to the Security Council but refrain from making any comments on it. The account states: "The Malik's principal complaint was the same one which had been voiced with almost suspicious unanimity, Liaquat Ali Khan has talked during the last four days. They are not being allowed to proceed to Kashmir, where they are determined to go, in order to save their Muslim brethren from carnage by the Hindus." What is suspicious about the unanimity I shall leave unexplained.

I have read to the Security Council accounts which support the case that we are trying to make, and which come from people who are neither Indians nor Pakistanis.

In this connexion, I would once again refer to the raids that have occurred and which are still occurring. They happen every day. Day after day I receive reports from my Government which describe these raids—the casualties inflicted, the number of villages burned and the manner in which the raid is accomplished; namely, having come overnight to perpetrate this act of destruction these raiders disappear in the early hours of the morning back into Pakistan territory.

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I do not wish to weary the Security Council with accounts or quotations in regard to these matters. However, I would refer once more to three incidents which occurred during the month of January. These incidents show that, unfortunately, this lust for blood, for loot, for arson, and so on, is still going unchecked in Pakistan. I have already referred to what happened in Karachi on 6 January, and my colleague on the Indian delegation has dealt with it in some detail. Some account has also been given of the massacre of passengers in a train at Gujarat. Figures have already been given to the Security Council about the massacre that took place at Parachinar.

I refer to these incidents in order to indicate one inference which I ask the Security Council to draw from the present state of affairs in India and Pakistan. If these three incidents had taken place in the first half of October instead of in January, I am almost certain that there would have been acts of retaliation on the Indian side, acts which perhaps might have been even more drastic than those which took place in these three incidents in Pakistan. Those retaliations have not taken place. That they have not taken place was primarily due to the great restraining influence that Mahatma Gandhi exercised during his life. That restraint was also due to the fact that those who are responsible for running the Indian Government are determined to see that such retaliations do nor recur. That is why it is found that, while these incidents happened in the Pakistan area, retaliations have not taken place in the Indian area.

Unless the Government of the area concerned is prepared to take drastic action and does not stop with talking nicely to the people who break the law, the situation will not be brought under control. That is why I have pleaded with the Security Council that if measures short of war—which, let us assume, Pakistan is taking—have not been able to stop the incursions of these people into Kashmir territory and thus aggravating the fighting, then Pakistan should take to force in order to put down this kind of violence and breach of international obligations. That this is the feeling even in Pakistan is obvious. I shall read to the Security Council an extract from an article which appeared in the *Pakistan Times*, a newspaper published

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in Lahore, commenting on the Gujarat incident. It reads as follows:

> "A large number of non-Muslim men, women and children have been killed in and near Gujarat. All these innocent souls were in our charge, and Pakistan had guaranteed them protection until they crossed our frontier. We have betrayed our ideals, and broken our pledged word. People who call themselves Muslims and fellow citizens of Pakistan have been guilty of gross savagery and inhuman brutality. The name of Pakistan has been blackened and besmirched, and the name of our people and our religion has been once more dragged into the dust."

After some further remarks, the article proceeds as follows:

> "It is not enough to bow our heads in shame. We had much rather lift up our heads and look for the causes and agencies which still make the perpetration of such heinous deeds possible.... The madmen who committed the crime, for some official agency, we do not know which, also must share the blame for what has happened. There must have been either indifference or lethargy, a lurking unwillingness in some quarter, which held back the hand of law from dealing out sterner measures before the foul deed was done.
>
> "We must formulate and enforce immediate measures to persuade, cajole or coerce our citizens into more civilized conduct."

Now during the last few days, these raids are becoming concentrated on the only line of communication between Jammu and India. Large crowds of these raiders have attacked this road, and the villages beyond this road inside our limits. They have set fire to houses in a number of villages. They come overnight and perpetrate these dastardly acts, and they go back into Pakistan territory in the morning. Our troops have strict orders not to overstep our territory. The thing goes on from day to day: blood is shed and property is lost. There is no sense of security in any village along this border.

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In the light of all the facts which I have brought in the notice of the Security Council, I say that the imperative duty of the Security Council is to ask Pakistan to take measures to prevent these miscreants from finding help, assistance, bases, transport—everything that is needed for carrying on a campaign—on Pakistan territory. Unless that is done, the evil will go on in an intensified manner. Whatever decisions we may take with regard to other questions, we shall not be stemming the tide of this ruthless destruction.

We have had placed before us [*237th meeting*] a draft resolution [*document S/662*] which I already have described as innocuous, in our opinion. Perhaps it might be described more harshly, but I would content myself with that. What I would say is that this draft resolution is not going to take us any further forward from where we are. If we are going to tackle this problem of the cessation of fighting, we ought to do something more positive. In this connexion, I should like to make a suggestion for the consideration of the Security Council. I know that, being only a party to a dispute which is under adjudication by the Security Council, I am not entitled to move any amendments; however, I certainly can submit a suggestion which, if it finds favour, can be moved to an amendment by some member of the Security Council.

What India is prepared to accept with regard to this part of the case—and I wish to insist that India is not prepared at this moment to accept anything less—would be something along the following lines. Instead of the draft resolution which I have been discussing, I should like the Security Council to consider something along the lines of what I wish to put forward in the form of an amendment, but I submit it only as a suggestion for the consideration of the members. If my suggestion is accepted, it would read as follows:

"*The Security Council*,

"*Considering* its resolutions of 17 [*document S/651*] and 20 [*document S/654*] January 1948;

"*Considering* the urgency of achieving the cessation of fighting and other acts of hostility;

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"1. *Recommends* to the Government of Pakistan that it should use all its efforts to persuade the tribesmen and others now in the territory of Jammu and Kashmir State who have invaded Kashmir, to withdraw from that territory; to prevent the passage through Pakistan territory of such invaders to the Jammu and Kashmir State; to deny the use of such territory for operations against the State, and also to refuse supplies and other material aid, direct and indirect, to such invaders; and

"2. *Further recommends* that the Commission of the Council shall, among its duties, regard as particularly urgent the promotion of measures intended to bring about as expeditiously as possible the cessation of fighting and other acts of hostility; and that in the pursuit of this end, the Commission shall ensure that its functions under sub-paragraph C (2) of the resolution of the Council dated 20 January 1948 [*document S/654*] are exercised without delay and with every diligence."

In the second part of this draft resolution, we have retained the substance of what is proposed in the draft resolution [*document S/662*] which was placed before us by the representative of Belgium [*237th meeting*] when he acted as President of the Security Council.

In the first part of this draft resolution, we request the Security Council to implement the suggestion which we have made both today and the previous day on which I spoke. In the first place, we ask the Government of Pakistan to use its efforts in order to stop this help as from tomorrow, if possible. It may be that in the conditions in which that Government finds itself today, with the tribesmen in Pakistan, any advice it gives to the raiders and to the tribesmen may not be listened to with alacrity. However, we have no doubt that if this request should go forth to these invaders and raiders with the weight of the authority of the Government of Pakistan, there would be a tremendously welcome change in the situation as regards the fighting in the State of Jammu and Kashmir.

We appeal to Pakistan, not merely in the interests of the fighting in Jammu and Kashmir, but in its own interests and in

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the interests of the preservation of law and order in the Dominion of Pakistan itself, to take this action with the least possible delay. Our feeling is that unless this help comes from or through Pakistan, the fighting in Kashmir will not stop. If this assistance dries up, then there is every likelihood of the fighting in Kashmir stopping as soon as possible.

Part 2 of the draft resolution has for its object the functioning of the commission when it undertakes its mission. Certainly, it will use all its mediatory influence in bringing about agreed understandings between the two Dominions. It will see also that part 1 of the draft resolution is carried out and is implemented in the spirit in which it has been proposed. That is why reference is made to sub-paragraph C (2) of the resolution dated 20 January 1948.

We wish to say nothing more with regard to the second Belgium draft resolution set forth in document S/662, although we took it up first for consideration. We pass on now to the first Belgian draft resolution on the question of the plebiscite [*document S/661*]. I should like to be as brief as possible with regard to this matter.

As far as India is concerned, after fighting is stopped, normal conditions are restored and everybody belonging to the State has returned to his home and land, we want conditions to be established with a two-fold objective: first, the establishment of a system of self-government acceptable to the people of the State and secondly, a final settlement of the question of accession.

We have made proposals in this regard in our scheme [*236th meeting*]. When I say we have made proposals, I should like the Security Council to understand clearly that these are fields in which India as such has no jurisdiction, Pakistan as such has no jurisdiction and, if I may venture to say so without disrespect, neither the United Nations nor the Security Council could be said to have jurisdiction to give any direction. The matter is one entirely for the State of Jammu and Kashmir and its people. I venture to say that this particular position is common ground between India and Pakistan.

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I shall read to the Security Council one or two passages from Mr. Jinnah's pronouncements. He said some time near the end of last July, "the Muslim League recognizes the right of each State to choose its destiny." He was referring to the Indian States. He continued: "It has no intention of coercing any State into adopting any particular course of action." A year previous to that—I think in June 1946—when he was talking about the Muslim Conference in the State of Jammu and Kashmir, and its objective, he said, "I hope the Maharaja will now without further delay meet the demand, not only of the Muslim Conference, but of the people of Kashmir generally, namely, that full and responsible government be granted immediately, and steps taken to implement the declaration without delay." The Muslim Conference of the State also declared its policy to be "one for the attainment of responsible government under the aegis of the Ruler. It never supported the idea of wiping off the Ruler."

I quote these passages from statements of Mr. Jinnah and the Muslim Conference of Jammu and Kashmir from documents for which those two were responsible, and I add that that is the objective which leaders in India have in view. That is the objective which the National Conference of Jammu and Kashmir headed by Sheikh Abdullah have in view. Our Prime Minister and others have declared times without number that is the objective which they would like to see realized for Jammu and Kashmir. That being so, the only question is whether the person who at the moment centres in himself all the powers of sovereignty is willing to part with those powers in favour of representatives of the people, because that is what responsible government means. The question exists because we cannot dictate this to him, nor can anyone else dictate this to the Maharaja. I am in a position to say, however, that the Maharaja himself is prepared to take the steps necessary for the establishment of responsible government in the State at the earliest possible moment. A matter of that kind cannot be a matter of agreement between India and Pakistan. It cannot be the subject of a directive from the Security Council. But in order to ease matters and in order to show that the grievance

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for which the local insurgents might be said to be fighting need no longer exist and the cause for such fighting might thus be considered to have ceased to exist, I have taken the trouble to ascertain what the Maharaja's wishes are and what he is prepared to do.

As I have said, I am in a position to say that the Maharaja is prepared immediately to take the steps necessary for the establishment of responsible government as peace is restored. A matter of this kind cannot go into an agreement between us and Pakistan, but the Government of India is willing and the Maharaja of Kashmir and his people are willing that the intention of the Maharaja and his Government with regard to the question of responsible government should be stated in any document that might go forth as a result of the Security Council's labours.

Before I proceed I might say that, apart from the stoppage of fighting the two parties interested in the Jammu and Kashmir question—each for its own reason—are the insurgents, who want responsible government, and Pakistan, which wants the question of accession to be finally settled. As far as the insurgents are concerned, I have indicated what the Maharaja is prepared to have announced in his name as his decision. As the Security Council is aware, the Government of India is fully committed to the view that, after peace is restored and all people belonging to the State have returned there, a free plebiscite should be taken and the people should decide whether they wish to remain with India, to go over to Pakistan or to remain independent, if they choose to do so. That being so, the only question for consideration is whether the Maharaja and his people are willing that this plebiscite be taken. On that point also, I am in a position to inform the Security Council that the Maharaja has agreed to the taking of this plebiscite after fighting has been stopped and after normal conditions have been restored.

A further point that arises for consideration in this connexion is what is meant by a free plebiscite. I am afraid that there is a lot of mixed and, perhaps, confused thinking in regard to this particular matter. We have to take the verdict of the people of a State which is now being governed by machinery

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which it has had for years. Kashmir has functioned as a State for many years. It conducts its own administration. It has an administrative machinery which does not compare with the administrative machinery of any other Indian State. The question is whether, when one wants to take a vote on a particular question, one can oust that machinery completely and put something which comes from outside in its place. I think that would mean an amount of encroachment on the ordinary sovereign powers of any State, to which no State would be willing to agree.

In so far as I have been able to gather through reading, in connexion with arrangements made in similar cases elsewhere in the world under the auspices of the United Nations, I have not seen a case—and I am subject to correction—where the established Government of a State was superseded and the United Nations imposed another administration upon it for the purpose of conducting a plebiscite. After all, the draft resolution before us [*document S/661*] confines itself only to the conduct of the plebiscite. The draft resolution says: "The Security Council is of the opinion that such plebiscite must be organized, held and supervised under its authority." I think this has not happened anywhere else. What is the reason for suggesting that we must make an exception in the case of Jammu and Kashmir?

Our position and the position of the Maharaja—after all, it is his view and that of his people which should count in this connexion—is that the plebiscite should be taken; but as doubts have been raised as to whether everyone will have a free vote and the minorities will have their chance, we are quite willing that the plebiscite should be conducted under the advice and observation of people whom the Security Council may appoint in this connexion; that is to say, these advisers and observers could go in and lay down procedure, from the preparation of the electoral registers, if necessary, down to the stage of polling, counting of the votes and the declaration of the result. The Maharaja and his Government are quite prepared to accept that position.

In this connexion, I also have a constructive suggestion to make for the consideration of the Security Council. This is what

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the Maharaja and his Government are prepared to accept in this connexion. It is merely a suggestion and the Security Council may adopt it as an amendment if it agrees with the proposal. The proposal reads as follows:

"*The Security Council,*

"*Whereas* India and Pakistan agree that the question of accession of Kashmir may be determined by plebiscite and the plebiscite be held under international auspices,

"*Recommends* that the plebiscite be taken under the advice and subject to the observation of persons appointed by the Council."

The proposal has been worded in this fashion advisedly, because both Pakistan and India have interests in the question of accession, and therefore some agreement has to be reached between them. Therefore, the preamble states that India and Pakistan agree that the question of accession may be determined by plebiscite. But the actual plebiscite, the actual taking of it, as I have already contended, is a matter for the Government and people of the State of Jammu and Kashmir. That is why it states: "*The Security Council...Recommends* that the plebiscite be taken under the advice and subject to the observation of persons appointed by the Council."

We are making this recommendation and we hope that it can provide a basis for agreement between India and Pakistan. The implementation of the recommendation will be carried out by a third party who is not before us, but that third party, I am in a position to assure the Security Council, will be prepared to implement this particular recommendation of the Security Council. We have taken out the words which conferred authority on the Security Council for organizing, supervising and directing this plebiscite; on the other hand, we give the Security Council the right to appoint advisers and observers. After all, even under Chapter IV of the Charter of the United Nations, most of what has been resolved here is but in the form of recommendations; in fact, in the draft of the other resolution, I have taken out the words which

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spoke of opinion and that sort of thing. I have used the word "recommends" advisedly. A recommendation of that sort applies so long as we continue to be Members of the United Nations; if we are parties to that resolution, we are supposed to implement that recommendation. The use of the word "recommends" removes the objection which States, sensitive to ideas of sovereignty, have to being directed or ordered about by the Security Council. So that when the Council uses the word "recommends", it really means that it is the Council's advice and the Council expects the advice to be carried out, provided we are parties to the Council's giving us that advice.

That is why we have deleted here the words which might be considered objectionable by those in whom the authority is vested today. We have made it a recommendation, and although the party concerned is not before the Security Council to help in the solution of the question, we are in a position to give an assurance that that party would be ready to accept the resolution if it were worded in that way.

In conclusion, I should like to commend to the Security Council these two draft resolutions which I have been discussing in a speech more lengthy than any I have had to make previously in my life. The draft resolutions are interlinked, and we would impress upon the Security Council most strongly our view that unless both are agreed to in the form we have suggested, it would be difficult for us to agree to either by itself.

There is one further aspect of this matter which I must not fail to place before the Security Council. My colleagues of the Indian delegation and I have given most anxious thought to the draft resolutions which were placed before us on 29 January [*documents S/661 and S/662*], and have spent a great deal of time in trying to devise something we could accept in connexion with the matters treated therein. The form which we have now suggested represents about the maximum to which we are prepared to go. If anything short of that were adopted by the Security Council we should be placed in the most difficult position, and should have them to consider what we might have to do. I trust that this development will not take place, and

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that the Security Council will find it possible to agree to what we have suggested for consideration after so much anxious thinking.

Sir Mohammed Zafrullah Khan (Pakistan): I begin my submission with no grievances with regard to the procedure that has so far been adopted nor with reference to the fact that the two draft resolutions now under discussion were placed before the Security Council without the facts having been made available to us in advance. In point of fact, these two draft resolutions were the outcome of the discussions that had gone on in the Security Council and between the parties under the guidance of the President. Not only did they contain nothing new of which we could have desired notice, but neither of them went so far in some respects as others of the draft resolutions which had already been under discussion between the parties.

Another preliminary observation which I desire to make is that, since Pakistan is not a member of the Security Council, my delegation is not aware of the details of its procedure. I want to explain, however, that my interventions, at the 236th meeting and again this afternoon, are due likely to a desire to supplement certain features of the picture placed before the Security Council by the representative of India. I noticed that at the 236th meeting, when the President had wished presenting his interim report and called upon the parties to make such submissions as they might desire, neither the representative of India nor I took advantage of the opportunity. But, as soon as the President invited the Security Council to discuss the proposal which he had presented, the representative of India was anxious to draw attention to certain matters.

Of course, he had a perfect right to do this if he thought that the Security Council would be assisted in its deliberations by his intervention, and the Security Council, for its part, was fully justified and entitled to permit either of the parties to speak at whatever stage it considered proper. The present intervention of the parties has also taken place in the middle of a debate in which members of the Security Council were themselves engaged. Again, it is not my purpose either to suggest that any different procedure should have been adopted, or to complain

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that this particular procedure has been adopted, but I want to explain that I should not have intervened on either occasion in the middle of a debate on certain draft resolutions. If I do so now, it is solely from a desire to stress some of the features of the picture which may have been left in some confusion or doubt as the result of the very able and ingenious submission to the Security Council which the representative of India has just concluded.

At this stage of our submissions it is not necessary for me to follow the representative of India into every one of the arguments or explanations of fact that he has undertaken. By this time the Security Council must be more or less fully in possession of the salient features of the situation with regard to Kashmir, both as to facts and as to the considerations that result from those facts. Nevertheless, with regard to broad questions, a few observations may be justified.

Mr. Gopalaswami Ayyangar has made a grievance of the fact that raids continue to be made upon Kashmir territory from Pakistan. I have already drawn the attention of the Security Council to the continuous series of raids that goes on from Kashmir territory into Pakistan territory, with regard to which repeated but unavailing protests have been made to the Government of India. I shall draw attention, in this connexion, to one or two additional pieces of evidence which I have not yet disclosed to the Security Council. I did inform the Security Council, on a previous occasion when I touched on this subject, that I had with me the dates and the brief particulars of over 100 such raids committed upon Pakistan territory. The list has since swelled into more than 150.

I would draw the attention of the Security Council in this connexion to a telegram dated 29 December 1947, addressed to the Prime Minister of India by the Prime Minister of Pakistan, in the course of which it is stated:

> "The latest reports state that Indian artillery in Jammu and Kashmir State shelled Pakistan villages"—and then the names of the villages are given—"in Gujarat District. Also, aircraft strafed them on the 19th, killing and injuring men and cattle. Jammu raiders and military men raided villages

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Chak, Salehrian, et cetera, in the Sialkot District, on the 18th, and fired on field workers, killing three, injuring one, and abducting one. In addition, Jammu civilians fired on Pakistan field labourers near Sialkot border on the 20th, killing one."

On 8 January, the Prime Minister of Pakistan addressed the Prime Minister of India a telegram, as follows:

"Fresh reports have reached me of continued aerial activity over Pakistan territory adjoining the Jammu State. Indian aircraft flew over border villages in Gujarat District between the 6th and 8th and machine-gunned village Gotriala. Indian troops opened fire with Bren guns and mortars on our border post in village Assar; one Sepoy reported killed and another injured. Indian aircraft flew over villages Nandwal, Chirianwala, in Gujarat District, and dropped bombs. On 8th morning an Indian aircraft flew over Jhelum. I would earnestly request you to prevent recurrence of such incidents."

But here is evidence from the other side of what has been going on, though it is extremely naively put. Mr. Ghulam Mohammad Bakshi, who is acting in place of Sheikh Mohammad Abdullah as head of the Emergency Administration in Kashmir during the latter's absence, is reported to have stated at a Press conference in New Delhi that the burning of villages by the raiders was not confined to the State territory on the Pakistan border, but also extended to border villages in Pakistan. He went on to say that this was being done to "establish" that troops of the Indian Dominion were actually crossing over into Pakistan and setting villages on fire. The setting on fire of villages is admitted, but the explanation given is that it is being done by us in order to manufacture evidence against the other side.

Here is a dispatch publishhed in *Dawn* of 22 January from Lahore, dated 20 January:

"Twenty persons were found dead when a heavily armed mob of nearly 500 strong crossed the border into Pakistan

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and launched a sudden attack on the village of Dandot, according to a report from Sialkot received on Monday, 19 January. Besides, about 100 head of cattle were found burned to death. The raiders were immediately engaged by the police picket on duty, who took up positions outside the village and fired 260 rounds. The encounter lasted several hours, but there was no casualty on the side of the police. Earlier, a minor attack by a number of non-Muslim civilians from Jammu State was beaten off by our border police patrol."

A similar piece of news with reference to another raid from Jammu territory into other villages was also published the same day.

These are instances showing that the series of raids, to which I drew the attention of the Security Council in an earlier submission, has continued throughout this period from the other side.

Then the representative of India went on to say that, since Indian troops had entered Kashmir territory, that is, since 27 October, with the solitary exception of the regrettable incidents of 4 and 6 November—which really constitued one incident, according to him—when Muslim refugee convoys were attacked, there had been no group killing of Muslims in the Kashmir State. He implied thereby that, at least in the territories occupied by and under the control, of Indian troops complete peace had prevailed since their arrival, except for the misbehaviour of the State troops with reference to these convoys on 4 and 6 November. That statement, taken along with the statement made by Mr. Gopalaswami Ayyangar's colleague at the 236th meeting—that nothing of the kind had taken place before 4 November—would seek to present this picture to the Security Council: that no killings having taken place before 4 November and none having taken place after 6 November, the only incident of the kind that happened in Kashmir was this incident of 4 and 6 November.

The incident of 4 and 6 November was an attack upon convoys of Muslim refugees from the State. If nothing had taken place before, why were these people leaving the State, in

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which the Muslims constituted a majority, in those convoys in which they massacred? That is with regard to the "before".

With regard to the "after", here is evidence not only that mass killings have gone on since Indian troops entered Kashmir, but that such troops themselves have on occasion taken part in them. I have a telegram from the Prime Minister of Pakistan to the Prime Minister of India, dated 19 November, that is to say, over three weeks after the Indian troops had gone into Kashmir. In the course of this telegram it is stated:

> "I am pained to see that you appear to have taken no action regarding atrocities which are being perpetrated on Muslims of Jammu and Poonch. I have drawn your attention repeatedly to large scale massacres of Muslims and to the abduction of women. The brutality and cold-blooded murders and crimes against women of which Dogras and troops of the Indian Union have been guilty in Jammu and Poonch, are of a most heinous kind. The thousands of Muslims who are pouring into Pakistan from Jammu and Poonch tell tales of woe too horrid to be repeated. Your Government appears to be completely indifferent to this murder, rape, abduction, loot and arson, the only purpose of which is to liquidate entirely the Muslim population of this State."

On 29 October the Prime Minister of Pakistan, in his telegram to the Prime Minister of the United Kingdom, stated that, up to then, there were about 100,000 Muslim refugees from the Kashmir State in the West Punjab: that is to say, up to the time when the Indian troops entered Kashmir. In his telegram of 25 November, that is to say, nearly a month later, to the Prime Minister of the United Kingdom, the Prime Minister of Pakistan stated: "...in spite of the protestations of the India Government, the number of Muslim refugees into Pakistan swells day by day and is now over 200,000."

If complete peace has prevailed in Kashmir since the entry therein of the troops of the Government of India, what has led to this further large-scale emigration of Muslims from Kashmir into Pakistan?

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On 2 December an *Azad* Kashmir *communique* was published in *Dawn* to the following effect:

"The *Azad* Kashmir troops on entering Kotli were received by about 200 Muslims, who were the only remnants of the Muslim population. It was found that all good stores and cattle had been removed by the retreating Dogra and Indian troops. Some of the Muslim localities had been burnt to ashes. According to the *Azad* forces commander, 4,735 Muslims of Mirpur are missing, including a fairly large number of women."

Here is another telegram from the Prime Minister of Pakistan to the Prime Minister of India, dated 4 December in which it is stated:

"When I was in Sialkot on 30 November and 1 December" —that is more than a month after the entry of Indian troops into Kashmir—"and in Rawalpindi on 3 and 4 December, I was told most harrowing stories about Muslims in Jammu and Kashmir State. According to all reports I received, the Muslim population of a large number of towns and villages in Jammu has been massacred, and the number of killed runs into six figures. The abduction of Muslim women has taken place on a very large scale, and women from respectable families have been specially attacked. But apart from abduction, there are other aspects of treatment of Muslim women which are too shameful to put in writing. Until I had visited Sialkot and Rawalpindi and received first-hand evidence, I had not realized the full gravity of the situation. The two Governments must, as a matter of highest urgency, concert measures to put a stop to this state of affairs."

I have another telegram dated 24 December from the Prime Minister of Pakistan to the Prime Minister of India. It states:

"I have been greatly disturbed by the news which has reached me during the course of the last month regarding the

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situation of Muslims in Jammu. A number of reports have already appeared in the Press, and I understand that Messrs. Alexander and Symonds of the Friends Service Unit have made a joint representation to you regarding the appalling atrocities that have been committed in the Jammu area on defenceless Muslims. The evidence of many eye-witnesses has been checked and counter-checked, and there is not the least doubt that State forces and armed civilians have slaughtered thousands of Muslims, in some cases under the very eyes of Indian Union troops. There is evidence, too, that Indian Union troops have, in some cases, participated in the massacres. I do not wish here to quote the tragic details of which you must already have had news from Mr. Alexander, but I must emphatically protest against your Government's complete failure to fulfil its duties towards the Muslims of the State."

As late as 25 December, the late Mr. Gandhi himself had stated that he had heard of murders of numberless Muslims and of the abduction of Muslim girls in Jammu. The Maharaja must assume the responsibility, as the Dogra troops were under his direct control.

On 13 January the Prime Minister of Pakistan addressed the following telegram to the Prime Minister of India:

"I am surprised at your statement that atrocities committed in Jammu area on defenceless Muslims in the presence of Indian troops bear no relation to what has happened there. My statement was correct and was based on evidence of many witnesses, closely checked by Messrs. Symonds and Alexander of the Friends Service Unit. Mr. Alexander, who visited Jammu on behalf of Pakistan, had submitted a report of his visit, and I presume that Mr. Symonds, who also visited Jammu and adjoining areas in Pakistan, would have submitted one to you."

This is ample evidence that the entry of Indian troops into Kashmir not only made no difference to the plight of the

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Muslims there, but that, in several instances, the massacres and other atrocities were committed under the eyes of these troop• and in some instances these troops themselves participated in these occurrences.

One has been very disagreeably surprised that, with regard to incidents of this kind—with reference to which the evidence leaves no doubt of their magnitude, whatever may be the difference with regard to their details—the attitude adopted by the Government of India and its representatives throughout has been, "Nothing has occurred." I shall not go further in the pursuit of these matters, as a fairly complete picture of the conditions in Jammu was laid by me before the Security Council on an earlier occasion.

I have drawn attention to these two aspects of the statement made by the representative of India, lest it might have been assumed, in the absence of further evidence from this side, that my earlier speech was subject to the qualifications now sought to be made by the representative of India. It is not.

The greater part of the statement made by the representative of India has been confined to discussion of the obligations of Pakistan with regard to what is happening in Kashmir. In that connexion, it is necessary to remind the Security Council that the trouble in Kashmir, though it has taken on a very acute form in this latest manifestation, has continued throughout the period during which the State has been under the rule and the tyranny of the alien rulers who obtained the States as a result of a very questionable transaction with the British East India Company. The great-grandfather of the present Ruler, Rajah Gulab Singh, during the fight over the Punjab between the British and the Sikhs, went over to the British and rendered to them service which, at this stage, need not further be characterized. As a reward for that service they sold to him all the hill territory—it was so described and nothing was even specified upon the map—between the rivers Ravi and Indus for 2,250,000 dollars, without any reference being made to the people of those areas.

Lord Lawrence himself subsequently described this transaction as follows: "...by a very questionable stroke of policy,

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which had been arranged beforehand and which has brought woes innumerable on the happy Kashmiris ever since, we handed it over to the Dogra Rajput, Gulab Singh, who paid us down at once in the hard cash which he had stolen from the Lahore Durbar." He stole the money from the Sikhs, went to the British with the money stolen from the Sikhs, and bought Kashmir from the British. That is the title of the present Ruler of Kashmir to that area which at that time was inhabited 100 per cent by Muslims.

A little later, Lord Lawrence referred to "The iniquitous arrangement by which Kashmir and its ill-fated inhabitants were to be transferred without their consent, as though they were so many logs of wood, to Gulab Singh, a Dogra Rajput who had nothing in common with them." To describe that arrangement and its consequences, as well as the rule and tyranny that resulted, as something which pertains to a legal and constitutional Government, and the attempt of the people of the territory to rid themselves of that kind of tyranny as just a disturbance created by insurgents who ought to be put down by force, is, to say the very least, the reversal of fact.

Now it is apparent from these documents that, from the very first, this Government bore the character which I have tried to ascribe to it. A letter addressed to the purchaser of Kashmir by the agent to the Governor-General and resident at Lahore on 29 November 1847 states:

> "With much grief I have heard from Mr. Agnew that you have not fulfilled the terms of agreement voluntarily made by Your Highness with Lieutenant Taylor. Mr. Agnew moreover informs me that you have not only relieved the distress of your people as you promised to do, but that you have added to them; that you still trade contrary to promise."

The man who purchased the State had now become the ruler of a vast territory, but he could not get away from his tendency to squeeze money out of every possible transaction. I shall now resume the quotation:

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"...that you have not removed your internal custom houses, as you agreed to do; that you not only do not promise the free sale of rice, but that you directly or indirectly taxed grass and other small articles that never before were taxed. Already, Mr. Agnew says, many families have abandoned Kashmir and he says that it is only your chain of guard-houses on the different roads that prevent larger numbers flying from oppression.

"All this is very painful to me to hear. Just as I am leaving Lahore, and when I had hoped from Lieutenant Taylor's report that Your Highness was employed in measures conducive to your own best interests as well as the welfare of your people..."

I shall not quote the entire letter, but it goes on: "I wrote this time that you may not mistake my sentiments, and I send my own confidential agent Diwan Jowala Suhae to you."

The last paragraph of the letter states: "Pray weigh well, this, my parting address, and do not allow it, like many others, to pass unheeded or to be thought of for a day, or a month, and then forgotten." This means obviously, that there were continuous protests against this tyranny to which the Maharaja paid little or no attention. The letter then continues:

"The least that will occur will be that one or two officers will at an early date proceed to Kashmir to examine the report on the real state of the country. Recollect that the British Government want nothing from you, ask nothing of you for themselves, but that, eschewing the practices of a trader, you will fulfil those of a sovereign."

I now shall refer to a letter from the Governor-General himself to the Maharaja, which is of particular interest, as it shows the relationship between the two authorities and the protection given by the British so long as certain things continued. I have here a letter from the Governor-General to Maharaja Gulab Singh dated 7 January 1848, which states:

"My friend, I am about to take departure for Europe, and I

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am anxious, before I leave India, to address Your Highness with the freedom and sincerity of a friend anxious for your welfare and, above all other considerations, for the happiness of the people committed to your charge by me when I signed the treaty of March 1846. Your Highness is aware of the principle by which the British Government is guided in its treaties with Eastern Princes, where cessions of territory are involved—that whilst it will scrupulously fulfil all its obligations for the protection of its ally, it never can consent to incur the approach of becoming indirectly the instrument of the oppression of the people committed to the Prince's charge. If the aversion of the people to a prince's rule should, by injustice, become so universal as to cause the people to seek his downfall, the British Government are bound by no obligation to force the people to submit to a ruler who has deprived himself of their allegiance by his misconduct."

This is the very thing that, one hundred years later, the Indian representative solemnly invites the Security Council to do. This letter continues as follows:

"If the British Government, by its treaties with neighbouring princes and proximity of its own forces on the frontier, can so far protect the prince as to enable him the more securely to apply all his forces to the oppression of his subjects, such a state of things would be still more repugnant to the feelings of the British Government because it would indirectly prevent the people from rising and redressing their own wrongs."

That invitation is very naively being extended by the representative of India to the Government of Pakistan. The letter continues as follows:

"In no case, therefore, will the British Government be the blind instrument of a ruler's injustice towards his people, and if, in spite of its friendly warnings the evil of which the British Government may have the just cause to complain be

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not corrected, a system of direct interference must be resorted to which, as Your Highness must be aware, would lower the dignity and curtail the independence of the ruler."

Near the close of his remarks today, the representative of India stated that the business of the Security Council is to direct Pakistan to do this and that. He stated that the business of the Security Council is to see that measures are adopted to prevent tribesmen from infiltrating into Kashmir—and that the business of the Security Council stops there. As a favour, the Maharaja is quite willing to have it announced through the instrumentality of the Security Council that he is prepared to set up a responsible government in his State. Indeed, he is anxious that such a declaration, although made fully out of his sovereign authority, should be made through the instrumentality of the Security Council. He is further quite willing—"and I am in a position to make this statement on his behalf," says Mr. Gopalaswami Ayyangar—to have it made known that he recognizes that India and Pakistan are agreed that the question of the accession of the State to Pakistan or India should be decided as a result of a free plebiscite.

Therefore, he is prepared to have a plebiscite held for that purpose under his own authority and management; but he will accept such persons as the Security Council may appoint to advise him with regard to the preparation of the electoral rules, arrangements for the polling stations, and the recording and counting of the votes. However, the British Government recognized that, so long as it afforded conditions of protection to those princes, any misrule, oppression and tyranny would involve measures of the kind which would be direct interference with the sovereignty of the ruler.

The letter continues:

"Your Highness must be well convinced that I have never been actuated by any such desire—on the contrary it has been my inclination, as evinced by my acts and those of the Resident, Colonel Lawrence, to give Your Highness every possible support. This desire must, however, be regulated by

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the duty of the British Government towards Your Highness' subjects, and governments cannot submit to the stigma of tolerating oppression. Let my friendly advice to Your Highness make a salutary impression. Avoid the interference of the British Government by a ready compliance with its just demands in which the Governor-General can have no other interest than to secure the well-being of Your Highness' subjects, and to witness the success of your rule over a happy people."

That treaty of the year 1846, it is true, bore the character which Lord Lawrence himself subsequently attributed to it; but it is also true that Lord Lawrence repented fairly early over that treaty. Before he left India, he tried to impress upon the purchaser and the oppressor of Kashmir some of the duties he owed to his unfortunate subjects.

One of the incidents of oppression which came later to the notice of the Government of India was so described in a letter dated 16 May 1865 from the officiating Under-Secretary to the Government of India, to the Secretary to the Government of the Punjab and its dependencies. This is paper No. 414 which states:

"Sir, I am directed to request that a copy of the correspondence with the Commissioner of Rawalpindi concerning the woman from Jammu whose tongue had been cut off, referred to in entry No. 26 in the abstract of the proceedings of the Lieutenant-Governor in the Political Department, for the week ending 6 May, may be submitted for the information of the Governor-General in Council."

The Security Council may be curious to hear what was the offence of this woman. This woman's offence was that she had bitten a cow. Then she was brought before the Prince, and an order was given to the effect that the woman's tongue should be cut out, her hair shorn off, and she, herself, exhibited through the five districts as a warning to others.

Because of a continuous succession of this type of rule, the attention of the Security Council has been drawn to a war of

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liberation which the people in question have been forced to wage under the terror of being otherwise completely exterminated, as their co-religionists have been exterminated in the Indian States which I have already named before the Security Council. That is the struggle.

The representative of India tries to justify the legal and constitutional interpretation of a local disturbance as opposed to the justification of a legal and constitutionally established Government where, however, some people from the outside are interfering. He draws a parallel between the conditions in Kashmir and the conditions which were presented to the Security Council, and later to the General Assembly, with regard to Greece and its neighbours. That is a point over which the Security Council and the General Assembly have differed. Therefore, I have no desire to proceed to a discussion of that situation. When I say that they have differed, I mean that there were differences of opinion among the Members of the United Nations. However, whether the alleged facts be established or not, and whether the positions taken with reference to that question on either side be justified or not, there cannot be the least comparison between the two positions. Here is an alien oppressor over a people with whom he has nothing in common one way or the other. These people have repeatedly risen against tyranny and oppression. In some instances they have not obtained relief. On this occasion the Maharaja undertook a campaign of oppression against his people which might well, under the conditions that were then prevailing in other parts of India—notably in the East Punjab States—have taken on the complexion of a campaign of utter extermination; and, in their desperation, they sent their women and children away and took to arms. They have established a provisional Government; they have some sort of an army. They are occupying almost half, or even more than half, of the really populated portions of the State. It is that kind of struggle which has come before the Security Council and with which it has to deal, and with reference to which the international obligations of Pakistan—as they have been described—have to be determined, if any international obligations arise under those conditions.

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Then the representative of India has gone on to give details, and has supported his statement by extracts from newspapers, as to what is happening or not happening with regard to the infiltration of tribesmen into Kashmir. It is true that the Security Council is not sitting as a judicial tribunal. Therefore, in order to obtain a picture of the situation, it is perfectly fair and proper that all material available should be looked at and properly appraised.

However, one cannot always accept whatever might appear in a newspaper as the gospel truth. Here, for instance, in the *New York Times* of Thursday, 29 January 1948, in a sub-leader which is devoted to the Kashmir case and is so headed, and which, I suppose, was written by responsible people on the editorial staff, the following statement appears with regard to Kashmir: "Its present Prime Minister is a Muslim who had led the fight for independence from the Maharaja since 1931, and who was only recently released from prison. Sheikh Mohammad Abdullah, Kashmir's Prime Minister, holds Pakistan to blame for the present trouble."

Well now, Sheikh Mohammad Abdullah, according to his own statement, according to his own grievance as a matter of fact, has never been and is not the Prime Minister of Kashmir. The Prime Minister of Kashmir is Meher Chand Mahajan, an ex-judge of the Lahore court, a Hindu and a non-Kashmiri who has had nothing previously to do with the State of Jammu and Kashmir. This is the statement as to Sheikh Mohammad Abdullah. However, I happen to know the facts myself, as I know Mr. Meher Chand Mahajan very intimately.

In a statement attributed to Sheikh Mohammad Abdullah and printed in *The Statesman* of New Delhi of 29 December 1947, the following appeared: "He was administrator for the emergency but the Maharaja retained intact his entire cabinet, including the Prime Minister." And then, in quotations, the following is said: "This is unfair." This is Sheikh Mohammad Abdullah speaking. "I hope that Sardar Patel's visit to Jammu will clear the constitutional cloud."

Thus it is quite easy, in regard to matters with which people are not familiar, to fall into mistakes of that kind or of a kind

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which might confuse the issue. The war correspondents, not always being present on each occasion where any incident might take place, also have their sources of information at large. They gather their information and, in good faith, they try to provide for their readers a picture of the situation with which they are dealing. But it would not be safe to take every description as the gospel truth, and to attach too much importance to it.

Subject to that precaution, I might also draw the attention of the Security Council to some passages from the very article in *The Times* of London of 26 January to which the representative of India has drawn attention. It reads as follows: "There is ample evidence that Pakistan has tried to restrain them." Reference is to the tribes. "Throughout his tour Mr. Liaquat Ali Khan was met with complaints about lack of official assistance for the Kashmir campaign and about attempts by political agents to prevent the departure of volunteers." A political agent, I might explain, is an official appointed by the Government in order to watch the movements of the tribes, and to give them such advice as may be useful or needed. "The power of these individuals"—that is, of the political agents—"both Pakistani and British, is immense, though they are few among thousands, and are stationed many miles from the nearest military post. Many political agents, by sheer force of personality, backed admittedly by threats that subventions and allowances would not be paid, prevented the calling of a *jehad*" —that is to say, the proclamation of a holy war—"in their agencies, and dispersed several *lashkars*." It is explained in brackets that *lashkars* are "raiding parties." Literally, a *lashkar* is an army.

"In Miranshah one agent alone stopped two raiding parties with a total strength of 8,000 rifles. The efforts of these men were probably overlooked by the Indian statesmen who accused Pakistan of not even attempting to hinder the tribesmen from marching on Kashmir."

But there is a further paragraph in this article which should be drawn to the attention of the Security Council. It reads as follows:

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"The pronouncements of the Security Council and its Commission are awaited here with some trepidation. If the evacuation of raiders from Kashmir is ordered, it is expected that Pakistan will be made responsible for the operation. The total number of tribesmen engaged in the operations is estimated at between 10,000 and 20,000. The task of removing them will be extremely hazardous, if not impossible, and the resentment of the tribesmen will be Pakistan's only reward."

Up to this point this paragraph was quoted by the representative of India; however, the quotation continues with the following:

"Moreover, if the decisions of the Security Council are considered unjust by the Muslim population of Kashmir, the result may be further invasions. This, the *maliks*"—that is to say the tribal chieftains—"have already threatened, and among the 400,000 potential fighting men in the northern territories, there are thousands still eager to march. Members of the United Nations Commission will doubtless realize the possibly grave consequence of any decision they are likely to make. The nature of Pakistan's co-operation will be governed by its effect on the tribes."

An ex-sergeant of the United States Army, who rose or jumped up to be a brigadier-general under the *Azad* Kashmir Government, has been cited by the representative of India. The representative of India stated that this ex-army sergeant made the statement that petrol was being supplied to the *Azad* Kashmir Government by Pakistan authorities. However, the explanation of how the petrol was being obtained was given by the representative of India himself, or by his colleague, the other day when he was addressing the Security Council. He said it was being obtained from petrol pumps without payment and without coupons. Where is the hand of the authorities in this matter? If a man chooses to run the risk of being prosecuted for issuing unauthorized petrol, or chooses to make a gift of it

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by not charging for it, out of his genuine and undoubted sympathy for the movement that is going on in Kashmir, how can the Pakistan authorities—and by that I mean the governmental authorities—be charged with any complicity in the matter?

The representative of India then stated that radio messages were being sent by Pakistan officials. I have submitted to the Security Council the *communiques* of the Pakistan Army Headquarters, issued under the authority of General Merservey, a high-ranking British officer, who stated that none of his army officers are at all concerned in any of these matters. But if any of the Poonch officers, who served previously in the Indian Army when it was a joint army for both India and Pakistan, are now serving and helping the forces of the *Azad* Kashmir Government, that is not the concern of the Pakistan Government.

It was then stated that Mr. Haight, the ex-sergeant in the United States Army, had said that he understood military stores had been supplied by the Pakistan Government or the Pakistan authorities by some process. He hints that the stores so supplied had been written off as "lost". How can he know what was being done in Pakistan when he was serving in Kashmir? Here is a gentleman who has gone out, according to the representative of India, as a soldier of fortune, who has come away under circumstances that he has himself explained, and who has been making statements both with regard to the time when he was in Pakistan and to that when he was outside Pakistan. If we are to accept his statements, there are all sorts of things which he has said, including some things which the representative of India would not be willing to admit. He stated the following in a radio broadcast, as it was printed on 17 December in the newspaper *Dawn*:

> "It reminded me often of the American War for Independence, in what is represented—a fight to make a government of the people, by the people and for the people, to destroy, once and for all, the rule of tyranny. The war in Kashmir, which the *Azad* forces are waging against the forces of reaction and tyranny, is truly a people's war for liberty and

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justice. You can probably imagine how much brutality and oppression it took to arouse a peace-loving people to this magnificent effort. I have passed through most of the affected areas and I have seen utter devastation of Muslim villages perpetrated by the Dogras. Their houses were razed to the ground, their womenfolk abducted, their crops burned, and themselves driven to the hills for safety, there to start their fight for freedom, ill-clad, ill-fed and ill-equipped. The *Azad* forces have fought their battles with little more than sheer courage against vastly superior odds: the organized forces of the former Maharaja and the Government of India. With all the might of their modern equipment, this unholy alliance has not been able to win a single major battle yet, nor diminish the confidence of the *Azad* forces in ultimate victory."

He stresses here the fact that there is practically nothing on one side, or very little, but sheer courage; that the forces are ill-clad, ill-fed and ill-equipped, as against the well-armed forces of the Government of India. However, here is his estimate of the entire situation, if we are to attach any importance to him. This is what he said after he arrived in the United States:

"They are good soldiers over there, but they don't have the modern touch and they have no imagination. With two bazookas and ten United States Army infantrymen, I could conquer Kashmir, maybe all of India."

That is his testimony. It is a sad prospect for the Indian Army if that is true.

In dealing with the situation in Kashmir, the representative of India has also dragged in some of the incidents inside Pakistan itself, and he has cited them as showing that some conspiracy on the Pakistan side is still in progress against the Dominion of India. He has drawn attention to the regrettable incident at Karachi of 6 January, the attack on the train at Gujarat and what he described as the massacre of Parachinar. He said that, had these incidents happened in the month of

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October, there would have been much worse reprisals in the Dominion of India, but that there had been nothing of the kind since, and that the policy of the Dominion of India was to suppress anything of that kind with a ruthless hand.

Let me draw the attention of the Security Council to what happened at Karachi on 6 January. In the Province of Sind, of which Karachi is the capital—it is also the seat of the central Government of Pakistan at the moment—there are at the present time pockets of non-Muslims, including numbers of Sikhs who desire to leave the Province of Sind by way of the sea and to go down to Bombay. The Government of Sind had come to an arrangement with the High Commissioner for India, stationed in Karachi, that this must be done under some properly organized arrangement so that no untoward incident should occur. It had been explained to him, as indeed he was himself well aware, that as there were large number of Muslim refugees in Karachi who had escaped from East Punjab and Rajputana and from the Indian States, where that campaign of genocide had been carried on mostly at the hands of the Sikhs, the sight of a Sikh to them was like the proverbial red flag to a bull. Therefore it would be wise, in the evacuation of these Sikhs who were anxious to get to Bombay, to have them brought down from up-country by night trains, and taken over immediately from the railroad station to the particular vessel they intended to board, and on which arrangements had been made for them to travel.

That arrangement had worked quite smoothly for some time until on this particular day, 6 January, unfortunately a number of Sikhs took it into their heads to travel to Karachi by a day-train. When they arrived in Karachi, they hired hackney carriages to drive to a central place in Karachi where they intended to put up. But the spectacle of this procession of Sikhs driving through the main streets of Karachi to their intended destination upset the refugees, who then staged a riot, in the course of which, most unfortunately and deplorably, seventy to eighty Sikhs lost their lives, and a number of houses of the local non-Muslim residents of Karachi were looted.

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The military had arrived on the scene within a couple of hours, had shot down a number of the raiders, and had brought the situation completely under control. The Government made arrangements for the shelter, feeding and conveyance of all the non-Muslim Sikh and other refugees, and proper and adequate measures for their comfort and protection were promptly taken. In the course of two days 1,000 arrests were made of people who were suspected of complicity in the looting of the houses. The Ministers of the central Government and the provincial government went about in an effort to persuade people voluntarily to produce the articles they had looted, a campaign which met with singular success. On the occasion when I spoke of this incident to the Security Council [*235th meeting*], I read of the gratitude expressed by the non-Muslim inhabitants of Karachi for the prompt help that they had received from the central Government and the provincial government.

Nevertheless, since then there have been regrettable massacres of Muslims in the Dominion of India and particularly at Allahabad and elsewhere in the United Province. There were also smaller incidents in other places. There is no use in blinking the fact that conditions continue to be very subnormal from the point of view of law and order. There are explosive elements and an explosive atmosphere in many places, which threaten to bring about a conflagration. Though credit is due to the Governments on both sides for such action as they have taken in the restoration of law and order, a great deal more still needs to be done to restore normal conditions, to which I shall draw the attention of the Security Council when I deal with the case under the heading of genocide.

What are the practical suggestions made by the representative of India? He says it is the province of the Security Council to bring about a stoppage of fighting. There is no difference of opinion on that. It is the duty of the Government of India, the Government of Pakistan, the people in both dominions, the Maharaja, the people of Kashmir, and everybody, to see that fighting and killing, and whatever else of an undesirable character is going on, should be brought to an end at the earliest moment. There is no difference of opinion on

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that. The representative of India has tried to make it appear as if someone here was trying to shirk his duty in that respect. But that is not so. The difference between him and us who represent Pakistan is with regard to the method, the steps to be taken, the procedure to be adopted and the objective to be achieved. One can say: "Fighting must be stopped." Of course fighting must be stopped. The first business of the Security Council is to see that fighting does not take place and that, if it takes place, the fighting should be stopped; and having been stopped, as was stated by the representative of the United Kingdom, that it should stay stopped.

The problem before the Security Council, in this state of affairs, is to determine the quickest method of bringing about a cessation of violence and disorder, and also the most desirable and equitable method of bringing about that result. When that result will have been achieved, the question will arise: Is there something further to be done to settle the situation; and if there is, how is it to be achieved?

What does the representative of India suggest? He says that, for the sake of argument, he is prepared to assume that Pakistan has done all it could do, short of war, as proclaimed by its Prime Minister, to stop the infiltration of tribesmen into Kashmir. He says: I assume that; but if whatever it has done short of war has not achieved this object, Pakistan should not hesitate to go to war to achieve this object. That is strange advice to give when the object, even of the representative of India, is to bring about an immediate stoppage of the fighting. In order to bring about an immediate stoppage of fighting, according to him, not only should this war in Kashmir continue between the people of Kashmir and the Maharaja, but Pakistan should start a new war on the frontier with the tribes in the tribal area. That would widen the area of conflict and might even start a conflagration, and if there were no other means but this of stopping the fighting, there might be no escape from it. But there is a readier, more equitable, just and fair means of stopping the fighting, and not only of stopping the infiltration of the tribesmen into Kashmir, but of stopping the fighting between the people of Kashmir and the forces, such as they

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remain, of the Maharaja, and the forces of the Indian Union now in Kashmir.

These are the steps which India proposes should be taken to stop the infiltration of troops. Very well, that leaves the forces of the Indian Union and the people of Kashmir. As for the people of Kashmir, although the words have not actually been used, that gap in the argument can be filled by saying that they would be easily subdued. I use the word "subdued" because, when I said "crushed" on a certain occasion the representative of India objected.

The representatives of India then say: Having brought the resistance to an end by the use of force we are authorized, on behalf of the Maharaja, to say that he will take steps to set up a responsible government in Kashmir. What steps he will take, and how he will achieve this purpose, is his business. Once that has been done, he will also take steps to have a plebiscite held in Kashmir in order that the vote of the people may determine whether Kashmir wishes to accede to Pakistan or to India.

The representative of India does concede that, in this question of the accession of Kashmir, Pakistan is vitally concerned. Nevertheless, he says, it is the business of the Maharaja. He will organize and conduct the plebiscite, although subject to the supervision or advice of such persons as the Security Council might appoint. With all respect, I submit that that is no solution of the problems with which the Security Council is faced, and that it is not the way to bring about a cessation of the fighting. However solemnly given, a promise on behalf of the Maharaja to the people of Kashmir that, once they had been subdued and their resistance broken, he would take steps to set up a responsible government, would not persuade a single one of them to lay down his arms. It is a vain hope, and would not be a method of bringing about a cessation of violence and disorder.

The object of the Indian Government is to bring about conditions under which it might be able to make sure of a military triumph and to teach the people of Kashmir a lesson. Even if this were achieved, however, it would merely leave the embers of discontent smouldering under the surface, with the possibility

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of their flaring up again at any moment. It would not bring peace, although it might bring suppression and a good deal of oppression.

Assume that the draft resolution presented by the representative of India this afternoon is adopted, that the Commission appointed by the Security Council is directed to make an investigation, and that Pakistan is directed by the Security Council to do nothing which is contrary to its international obligations. If Pakistan is already doing nothing contrary to those obligations, the draft resolution carries the matter no further. On the other hand, if there is a difference of opinion between India and Pakistan on that point, what happens? Pakistan takes stricter and more rigorous measures to stop what the Dominion of India desires should be stopped. However, that does not end the fighting. How could it?

If even these measures do not stop the tribesmen coming in, then, it is said, war should be waged against them. I have already commented on that solution. But, even assuming that every single tribesman can be prevented from coming into Kashmir, how does that stop the fighting? Obviously, it does not. Thus, it is argued, the only method of stopping the fighting is either to crush the whole of this movement in Kashmir, or to give up the struggle against it if it gathers such force that it cannot be controlled there. In either event the fighting will eventually stop. But is that the way in which it is desired that it should be stopped—by means of a military triumph on the part of one side or the other? Is it the function of the Security Council to bring about a cessation of fighting, whether in Kashmir or elsewhere, by this means, and to hold the ring, as it were, and say to the parties: "Now you can go ahead. Whoever proves stronger will vanquish the weaker, and thus we shall bring about a stoppage of the fighting?" That stoppage would come about in any case.

The whole of the argument of the representative of India, if it amounts to anything, amounts to this: The infiltration of tribesmen into Kashmir has afforded a strengthening, a stiffening to the resistance of the people of Kashmir which is making it very difficult for the forces of the Indian Dominion to

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suppress the revolt in Kashmir or to neutralize it. Make Pakistan stop tribesmen from coming in, by rigorous measures if possible, by going to war with them if other measures fail. Then the fighting in Kashmir will be stopped. How? According to the representative of India, by enabling the armed forces to crush the rebellion in Kashmir.

That is the method suggested. But nothing will be achieved by so doing. There will be no end to the fighting. The people may be suppressed for a time, but they cannot be suppressed for all time. If Pakistan is forced to go to war with the tribesmen, the only result will be that instead of one conflict there will be two, and instead of one party fighting, there will be two. Moreover, there will be the added danger of a much vaster conflagration on a much larger scale.

Now I come to the draft resolutions. I should like to draw the attention of the Security Council first to the draft resolution that we had the honour to submit to the President on 27 January. We took the course, perhaps mistakenly, of going carefully through the proceedings of previous Security Council meetings devoted to the study of the Kashmir question, and we made careful note of what had been said by the members with regard to the measures that might be taken and the methods that might be adopted to achieve an amicable settlement of the dispute between Pakistan and India and to bring peace and security to Jammu and Kashmir. We also took careful and respectful note of the draft resolution that the President circulated among the delegations on the afternoon of 24 January after the meeting of the Security Council [*235th meeting*]. We framed our draft resolution on the basis of the draft resolution of the President and the observations that had been made by the members of the Security Council, and I most respectfully submit that there is not one word in the draft resolution we submitted, let alone a whole suggestion or proposal, that is not taken literally from either the President's draft resolution or the speeches of members of the Security Council. There is not one word which is not based directly upon what was said in the Security Council.

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I shall now respectfully draw the attention of the Security Council to the draft resolution we submitted. The first paragraph reads:

"*The Security Council,*

"*Whereas* India and Pakistan recognize that the question whether the State of Jammu and Kashmir shall accede to Pakistan or to India must be decided through the democratic method of a plebiscite to be held under international authority, control and responsibility, in order to ensure complete impartiality...."

The first paragraph differs in two respects from the President's draft resolution: First, the word "referendum" was omitted, although that omission, as the President himself explained, was by agreement; and second, in place of the phrase "the future of the State of Jammu and Kashmir", there was substituted the phrase "the question whether the State of Jammu and Kashmir shall accede to Pakistan or to India". That change, also, was made by agreement.

The next paragraph reads:

"*Whereas* the parties, being both Members of the United Nations, agree that such plebiscite should be organized, held and supervised under the authority and responsibility of the Security Council...."

These are the very words of the President himself. The draft resolution we submitted continues:

"*Takes note* with satisfaction of this agreement, and

"*Being of the view* that the establishment of certain conditions is essential for the holding of such a plebiscite,

"*Resolves* to direct the Commission set up under its resolution of 20 January 1948 [*document S/654*] as follows:

"The Commission shall arrange for:

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"1. The establishment of an impartial interim administration in the State of Jammu and Kashmir;

"2. The withdrawal from the territories of the State of Jammu and Kashmir of the armed forces of the Indian Union and the tribesmen; also all trespassers whether belonging to Pakistan or the Indian Union;

"3. The return of all residents of the Jammu and Kashmir State who have left or have been compelled to leave the State as a result of the tragic events since 14 August 1947;

"4. The holding of a plebiscite to ascertain the free, fair and unfettered will of the people of the State as to whether the State shall accede to Pakistan or to India."

Those are the four sub-clauses in the latter part of the draft resolution. As I have submitted, they have all been taken from what has been stated by the members of the Security Council in meetings on this question. As a matter of fact, there is not much dispute with regard to sub-clause 3, "the return of all residents of the Jammu and Kashmir State who have left or have been compelled to leave the State...." Therefore, authority for sub-clause 3 need not be cited, though it does exist.

In the 235th meeting of the Security Council, the representative of the United States said:

"It seems to me that our advice to the two parties should be—and that is what they are asking for when they come here—that they proceed with the Kashmir matter, without prejudice to the other question; complete the negotiations that are now pending; and, with respect to the media and methods of creating those conditions in which a fair plebiscite can he held, arrange an interim government that is recognized as free from the smell of brimstone"—whatever that might mean—"as nearly impartial and perfect as two

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great countries like India and Pakistan can make it, in which the rest of the world will have confidenee as being fair."

That though is included in the draft resolution under sub-clause 1, "the establishment of an impartial interim administration in the State of Jammu and Kashmir."

The representative of the United States went on to say: "Of course, the agreement should be such as would invite the return of *emigres* to their homes." This thought is included in sub-clause 3.

Continuing the statement of the representative of the United States: "It should be such an interim arrangement as would open up the ballot boxes to everybody with the utmost freedom, and without any restraint except the restraint of maintenance of order under the law." This thought also aims at having an impartial interim administration, as set forth in sub-clause 1 of the draft resolution.

The representative of the United States then went on to say that it might be "worthwhile for the parties involved, in their search for peace and for a real, true settlement of a very complex situation, to conduct all these proceedings—the plebiscite especially—under the aegis of the Security Council." This thought supports the preamble drafted by the President of the Security Council.

The representative of Canada then stated: "...the discussions between the representatives of India and Pakistan, under the auspices of the President of the Security Council, will continue so that a basis of arrangement may be reached to terminate the fighting; to afford security to the peoples of Jammu and Kashmir under some authority which will be recognized by everyone concerned as strictly impartial; and, most important, to provide for a plebiscite of the people in which all of them will be permitted to express without fear or favour their wishes as to the future government of the State."

The representative of France then suggested three conditions which he believed to be necessary in connexion with this plebiscite, as follows:

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"1. The withdrawal of foreign troops from the State of Kashmir." This requirement is contained in sub-clause 2 of the draft resolution.

"2. The return of the inhabitants, irrespective of their race —Hindu or Muslim—to their places of origin in the State." This requirement is contained in sub-clause 3 of the draft resolution.

"3. The establishment of a free administration which would not exert pressure on the population and would give absolute guarantees of a free vote." This requirement is contained in sub-clause 1 of the draft resolution.

The representative of France, after an intervention of the representative of Syria, explained that by "troops" he meant both regulars and irregulers, including the tribesmen.

That is the authority for that draft resolution. However, we were disappointed, when this draft resolution was presented, that the representative of India was not prepared to regard it even as a basis for discussion. As I have said, every word in it was based upon the advice, to say the least, that the members of the Security Council had given to the parties.

The later course of the negotiations was summed up by the President when he made his report. I now come to the two draft resolutions that are under discussion [*documents S/661 and S/662*]. As will be observed, the draft resolution relating to the plebiscite....

The President: May I interrupt the representative of Pakistan for a moment. I am informed that, if this discussion is to continue, it would be of convenience to most of the members of the Security Council to adjourn at this time. However, if the representative of Pakistan will be able to conclude shortly, we shall continue to hear his statement.

(SCOR, 3rd Year, Mtg. No. 239, pp. 314-351)

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93. *Text of the Speech of Sir Mohammed Zafrullah Khan, Representative of Pakistan in the Security Council Meeting held on 4 February 1948*

When the Security Council rose yesterday afternoon, I had finished dealing with the text of the draft resolution proposed by us on 27 January [*236th meeting*] and submitted to the President of the Security Council. I now come to the consideration of the draft resolution presented yesterday on behalf of India, and the document on which it is based, document No. 2 of 27 January 1948.

Before I take up the text of the resolutions and of that document, I should like to draw attention to the terms, as it were, of the accession of Kashmir to India.

The accession was brought about by the exchange of letters between the Maharaja of Kashmir and the Governor-General of India. In his letter replying to the letter of the Maharaja of Kashmir, the Governor-General of India said the following:

> "In the special circumstances mentioned by Your Highness, my Government have decided to accept the accession of Kashmir State to the Dominion of India in consistence with their policy that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be settled by a reference to the people."

In drawing attention to this part of the letter, the representative of India, when making his submission to the Security Council [*227th meeting*], observed as follows:

> "I would invite the attention of the members of the Security Council to the high-principled statesmanship characteristic of the Government of India under its present leadership. In accepting the accession they refused to take advantage of the immediate peril in which the State found itself and informed the Ruler that the accession should finally be settled by plebiscite, as soon as peace has been restored. They have subsequently made it quite clear that they are

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agreeable to the plebiscite being conducted if necessary under international auspices."

This was emphasized further in various pronouncements made by the Prime Minister of India on the subject, so that it was made quite clear at the time of the accession that the accession was provisional and that the final decision would be taken by means of a plebiscite. This condition was, perforce, accepted by the Maharaja, as it was only on that condition that the Dominion of India was prepared to accept the accession of Kashmir. Therefore, it is entirely irrelevant today to inquire whether, juristically, the holding of a plebiscite for this specific purpose falls within the domestic jurisdiction of the Maharaja or within international jurisdiction.

The whole question of accession has been raised. It is admitted that it is one of the principal disputes between India and Pakistan. India's reply and India's stand throughout has been: "We accepted Kashmir's accession provisionally—for the moment—in order to deal with the emergency that had arisen; and once the emergency was out of the way, the question of accession would be decided by the people through a plebiscite. In order to have any value at all, a plebiscite naturally must be an expression free from any kind of pressure or coercion. It must be a free expression of the people's will. That has already been established beyond doubt.

It was also stated, as the representative of India has said, that the Government of India had announced that is was agreeable to have the plebiscite held under international auspices. That also has already been agreed upon.

I might, in this connexion, draw attention to some of the references made to this subject in the speeches, the telegrams and the broadcast made by the Prime Minister of India. In a press statement made on behalf of the Government of India, issued on 30 October 1947, it was said: "It is desired to draw attention to the conditions on which the Government of India has accepted Kashmir's accession." These are conditions attached to the accession; they are a part of the accession itself. The statement goes on to say: "Consistent with its policy as

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declared in the case of Junagadh, it has been made clear to His Highness the Maharaja that as soon as the invaders have been driven from the soil of Kashmir and law and order restored, the people of the State should decide the question of accession."

The following is stated in the report of Pandit Nehru's broadcast of 2 November 1947:

" 'The Government of India is prepared, when peace and law and order have been established in Kashmir, to have a referendum held under international auspices like the United Nations,' declared the Prime Minister, Pandit Jawaharlal Nehru, broadcasting tonight. Pandit Nehru declared that: 'We, on our part, had no intention of using our troops in Kashmir when the danger of invasion was passed.' "

Two things are made quite clear in this report of Pandit Nehru's broadcast—first, that once the danger of invasion is over, the troops of the Indian Dominión shall be withdrawn from Kashmir; and, secondly, that the question of accession shall be decided by a free plebiscite to be held under international auspices like that of the United Nations.

In his telegram of 31 October 1947, addressed to the Prime Minister of Pakistan, the Prime Minister of India stated as follows:

> "Kashmir's accession to India was accepted by us at the request of the Maharaja's Government and the most numerously representative popular organization in the State, which is predominantly Muslim. Even then, it was accepted on condition that as soon as the invaders had been driven from Kashmir's soil and law and order restored, the people of Kashmir would decide the question of their accession. It is open to them then to accede to either Dominion."

In a subsequent paragraph of the same telegram, the Prime Minister of India stated as follows:

> "Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision regarding the future of the State to the people

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of the State is not merely a pledge to your Government, but also to the people of Kashmir and to the world."

Then, in a telegram addressed to the Prime Minister of Pakistan by the Prime Minister of the United Kingdom on 7 November 1947, the following statement occurs:

"As I understand the broadcast made by the Prime Minister of India on 2 November, he gave two undertakings which seemed to be in conjunction with your own suggestions. First, he undertook that the Indian forces would be withdrawn from Kashmir as soon as order is restored. Secondly, he undertook that the will of the people should be ascertained, and he proposed that this should be done under the authority and supervision of the United Nations."

In the telegram dated 8 November 1947, from the Prime Minister of India to the Prime Minister of Pakistan, the following occurs:

"It will thus be seen that our proposals, which we have repeatedly stated, are:

"1. That the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir;

"2. That the Government of India should repeat their declaration that they will withdraw their troops from Kashmir as soon as raiders have withdrawn and law and order are restored; and

"3. That the Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date."

Now those are the three proposals made by the Prime Minister of India to the Prime Minister of Pakistan in his telegram No. 304, dated 8 November 1947. So far as the Government of India is concerned, it will withdraw its troops

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from Kashmir as soon as raiders have withdrawn and law and order are restored; and so far as the Government of Pakistan is concerned, it will publicly undertake to do its utmost to compel the raiders to withdraw from Kashmir. Of this, the Government of Pakistan has given repeated assurances—that once a settlement was arrived at, the Government of Pakistan would do its utmost to compel the raiders to withdraw from Kashmir; that if a joint notice issued by the Government of India and the Government of Pakistan calling upon the raiders to withdraw was not obeyed—and we suggested that the notice should give the raiders 48 hours to withdraw—and provided a settlement has been arrived at and agreed upon between the parties, the Government of Pakistan would be prepared to take military action in conjunction with the Government of India in Kashmir to compel the tribesmen and the invaders to withdraw; and that the Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date. Well, we are already making that request to the Security Council.

These were the conditions attaching to the accession. This was what happened at the time of the accession. The conditions laid down clearly that the troops should be withdrawn once the invaders had been got rid of, and that an impartial plebiscite under the authority of the United Nations should be conducted; as a matter of fact, that a joint request should be made by the two Governments of the United Nations that it should make arrangements for the conducing of the plebiscite.

I beg to submit further that, in order for the plebiscite to be free and unfettered, and in order to ensure impartiality, it goes without saying that the administration, until this question is decided, must be impartial and neutral.

I draw the attention of the Security Council to document No. 2, which was submitted on 27 January 1948 on behalf of the Indian delegation to the President of the Security Council. The Security Council will be able to appreciate that the proposals contained in that document reveal a position very different from that taken in the documents and the declarations to which I have just invited attention.

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Paragraph A of that document says:

"The first objective to be achieved is the stoppage of fighting and the termination of military operations in the Jammu and Kashmir State. For this purpose, the Government of Pakistan should use all its efforts to stop the fighting in Jammu and Kashmir by persuading the tribesmen and others now in the State territory, who have invaded Kashmir, to withdraw from that territory; it should further prevent the passage through Pakistan territory of such invaders to the Jammu and Kashmir State, deny the use of such territory for operations against the State and also refuse supplies and other material aid, direct and indirect, to such invaders." That is the only position to which they have adhered throughout.

Paragraph B reads:

"After fighting has ceased and there are no raiders from outside left in the State and there is no further need to continue military operations in the State, the next objective should be the restoration of peace and normal conditions."

Here again, the same position, to which I have repeatedly drawn attention, is adopted, so that there is a gap, however, cleverly concealed, between the stopping of the infiltration of the tribesmen into the State and the stoppage of fighting. There is no suggestion here as to how, once the invaders have been driven out, the fighting will then come to an end. The obvious implication is that those from among the State's subjects who are fighting inside the State will then be subdued by military action, and their effort at liberation put down by force.

It is stated that for this purpose of restoring peace and normal conditions:

"1. All citizens of the State, who have left it on account of the recent disturbances, will be invited, and be free, to return to their homes and to exercise all their rights as such citizens;

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"2. There shall be no victimization;

"3. All political prisoners in the State shall be released; and

"4. No restrictions shall be imposed on legitimate political activity."

There is no suggestion here with regard to the actual fighting itself. It could have been said, "The next objective shall be the restoration of peace, which includes the conclusion of hostilities." The paragraph says, "For this purpose the following action shall be taken...," but that is action subsequent to the stoppage of fighting. The paragraph does not indicate how the cessation of hostilities between the *Azad* Kashmir Government and the forces of the Maharaja and the Indian armed forces is to be brought about.

The document continues by saying that it is anticipated that a period of about six months will be required for this purpose of persuading people to come back to the State, because enough confidence must first be created that they will be secure when they return.

The paragraph then develops a further idea, and says:

> "It is further recognized that due, among other things, to the present upheaval in Kashmir, the resources of the Jammu and Kashmir State are not at present adequate to maintain law and order. The efficient maintenance of law and order in the State during the interval between the termination of military operations and the taking of the plebiscite is essential if the plebiscite is to be free and unfettered...."

It is agreed that the plebiscite is to be free and unfettered. There is no doubt about that, but it is said that the maintenance of law and order, after fighting has been stopped, might necessitate some further step. What is that step? The paragraph continues: "So long as the State remains acceded to India, the Government of India are responsible for its defence." True, but not for the maintenance of law and order inside the State. If we are dealing only with juristic principles, it will be recognized that this is a domestic matter and not one for the Dominion.

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"Though," it is added, "after the cessation of hostilities, the strength of Indian troops in the State will be progressively reduced, it will be necessary to maintain Indian troops of adequate strength to ensure not only protection against possible future attacks from outside, but also for giving support to the civil power when required in the preservation of law and order."

What a distance there is between this declaration and those to which I invited the attention of the Security Council a few minutes ago. This contemplates a permanent military occupation of the State because the object is to maintain within the State troops of adequate strength to ensure not only protection against possible future attacks from outside, a possibility which exists for any State all the time, but also for giving support to the civil power when required in the preservation of law and order, which is also a continuing necessity.

Paragraph C states: "The Emergency Administration under the leadership of Sheikh Abdullah will immediately be converted by the Maharaja into a Council of Ministers in which Sheikh Abdullah will be Prime Minister and his colleagues will be appointed by the Maharaja on his advice. The Ministry will, as far as possible, function as a responsible ministry." I suppose that is in order to meet the condition that the administration shall be neutral and impartial, and to provide a fair field for the plebiscite in which the people would be able to express their wishes without fear or favour. That is the kind of administration that will be provided.

In this connexion, I should like to draw the attention of the Security Council to the position occupied by Sheikh Abdullah, although I have already referred to it on two or three occasions in the course of my submissions. Some time ago, as will be recalled, Sheikh Abdullah took up the attitude that the Maharaja must leave Kashmir inasmuch as his dynasty was alien to Kashmir which he had obtained as the result of the treaty to which I invited attention yesterday. Sheikh Abdullah contended that the dynasty had no claim to Kashmir and that, in any case, the people must take the administration into their own hands. As the result of raising this cry of "Quit Kashmir"

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he was tried for sedition and sentenced by the courts of the State to nine years' imprisonment. That was the relationship between Sheikh Abdullah and the Maharaja while he was in gaol. It is well known, I believe, that Sheikh Abdullah has always been at least a sympathizer of the Indian National Congress, the views of which he shared. None of these points is a matter for reproach—neither the cry of "Quit Kashmir," the trial, the imprisonment, nor Sheikh Abdullah's politics. I am merely stating a fact so that the background of the position may be appreciated.

Over a long period of years Sheikh Abdullah has been a personal friend of Pandit Jawaharlal Nehru—a matter of honour, but again a fact to be noted. So much was this the case that when Sheikh Abdullah was arrested and put on trial for sedition, Pandit Jawaharlal Nehru, who at that time had already been nominated a member of the Government of India and was a Minister at the centre although he had not then taken over his portfolio, rushed up to Kashmir on the plea that, as a lawyer, he wished to undertake the defence of Sheikh Abdullah against the charge of sedition. That is very creditable to the sentiments, emotions and loyalty of Pandit Jawaharlal Nehru. He was expelled from the State, on that occasion, by the Maharaja. That was the relationship between Sheikh Abduallah and the Maharaja on the one side, and Sheikh Abdullah and Pandit Jawaharlal Nehru on the other. As I said, Sheikh Abdullah was eventually sentenced to gaol and had served about a year and a half when these troubles—the raids by Hindus and Sikhs upon the Muslim population of Kashmir, the trouble in Poonch, and the atrocities committed by the Dogra troops—started in Kashmir. The Maharaja was accordingly faced with this flare-up.

At that stage, Sheikh Abdullah was taken out of gaol and travelled to New Delhi, the seat of the Government of India. Later on, Mr. Menon, Secretary of the State Department of India, travelled to Kashmir, and the letter to which attention has already been drawn was written by the Maharaja to Lord Mountbatten proposing the accession of the State. In the course of this letter, the Maharaja stated: "I may also inform Your

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Excellency's Government that it is my intention at once to set up an interim government and to ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister." It is curious that, apart from the fact that Sheikh Abdullah was chosen, he is mentioned in this letter in a form which assumes that Sheikh Abdullah is a personality already well known to Lord Mountbatten. There is not one word explaining who Sheikh Abdullah was or is. It is assumed that His Excellency knows all about him—as probably by that time His Excellency did.

In his reply, Lord Mountbatten said: "My Government and I note with satisfaction that Your Highness has decided to invite Sheikh Abdullah to form an interim government to work with your Prime Minister." Again, he does not inquire or say anything about Sheikh Abdullah. It is assumed on both sides that there is perfect knowledge as to who Sheikh Abdullah is. The obvious inference is that the placing of Sheikh Abdullah at the head of the emergency administration to work in association with the Prime Minister was an arrangement already arrived at between the two sides. As I have said, knowing the relationship of the Maharaja with Sheikh Abdullah, and the relationship of Pandit Jawaharlal Nehru with Sheikh Abdullah, the conclusion is irresistible that Sheikh Abdullah was handpicked by the Prime Minister of India and that the Maharaja was required, as a condition of the accession, to appoint Sheikh Abdullah as head of the Emergency Administration, on arrangement to which Lord Mountbatten expressed his satisfaction and that of his Government.

The kind of administration that would be set up, according to this document, is that Sheikh Abdullah would immediately be appointed Prime Minister and his colleagues would be appointed by the Maharaja on his advice. That is the kind of neutral, impartial administration which is proposed to be set up.

From the "Quit Kashmir" agitation, Sheikh Abdullah's position today is—again, I do not blame him; I am only explaining facts—that he has announced that he desires the Maharaja to be not only the Maharaja of Jammu but also the

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Maharaja of Kashmir. That is some distance for Sheikh Abdullah to have travelled. I am not blaming him for that position; I am not even questioning the legitimacy of that position; but I am stating a fact. He is irrevocably committed to accession to the Dominion of India.

I have already drawn attention to the report of a statement Sheikh Abdullah made on this subject in Indore on 25 December, but I shall repeat a portion. It reads as follows: "Speaking at a mass Praja Mandal rally, Sheikh Mohammad Abdullah declared that Kashmir has finally resolved to remain with India, ruled by the Kashmir Jewel,[1] Pandit Jawaharlal Nehru. Pakistan can conquer Kashmir only after each and every Kashmiri has dedicated his life in fighting with Pakistan [*235th meeting*]."

With sentiments of that kind—again, I do not say those are objectionable sentiments or that they are not honourable sentiments; each person is at liberty to adopt any objective that he chooses, political or otherwise—and having reference to the issue that is before the Security Council, I do say that a gentleman entertaining sentiments of the nature of those to which he gave expression on 25 December, cannot, by the remotest stretch of language, be justly or fairly described as neutral or impartial. As a matter of fact, as the members of the Security Council are aware—again, it is a matter of no objection whatsoever, and possibly a conveninent arrangement on the other side—Sheikh Abdullah is so much identified with the Indian case that he is a member of the Indian delegation to the Security Council.

Paragraph D of document No. 2 reads as follows:

> "The Commission already decided on should go over to India at once for the purpose of watching, ensuring by advice, and mediation, that the measures agreed on as necessary for the stoppage of fighting and the termination of military operations are implemented effectively and without loss of time; and of reporting to the Security Council its conclusions."

1. Jawahar, the first part of Mr. Nehru's first name, is translated "jewel".

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Nothing is said about the holding of the plebiscite. Part II of the document deals with "Ascertaining the wishes of the people of the State." The members of the Security Council will recall that the third assurance given by the Prime Minister of India to the Prime Minister of Pakistan in the telegram of 8 November 1947 is that the two Governments should make a joint request to the United Nations, to undertake a plebiscite in Kashmir at the earliest possible date. The Security Council will appreciate, by means of this document, how this is sought to be implemented. We have already been told about the stoppage of the tribesmen, the subduing of this liberation movement, the restoration of law and order, and the period of six months necessary to create enough confidence for people to return to their homes. Then we have these further passages in document No. 2:

"E. The principle is recognized that the new constitution to be framed for the State and the determination of the question of accession are matters entirely for the free decision of its people. It is hoped that the Maharaja of Kashmir and his Government would undertake to ensure this by taking the following steps:

"1. The interim Government should, as soon as the restoration of normal conditions has been completed, take steps for the convoking of a National Assembly based upon adult suffrage and having due regard to the principle that the number of representatives from each voting area should, as far as possible, be proportionate to the population.

"2. A national Government based upon the National Assembly should then be constituted.

"3. The National Government will then proceed to have a plebiscite taken on the question of accession. The plebiscite will be taken under the advice and observation of persons appointed by the United Nations.

"4. The National Assembly will then proceed to frame a new constitution for the State for promulgation by the

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Maharaja, based on the principle of full responsible government."

I venture to submit that there is no resemblance between the declarations made immediately after the accession and the pledges then given, and their scheme of implementation that was put forward on behalf of the Indian delegation to the President of the Security Council in this document. The two draft resolutions that were presented to the Security Council yesterday by the Indian delegation do not take the matter any further. The language of the new draft resolution is carefully guarded so as to conform, as far as it goes, to the basic principles laid down in the document to which I have already drawn attention.

The representative of India, when he discussed the question of plebiscite in his last speech, said that no international plebiscite had been taken under conditions any different from those that were being proposed by him. I venture to submit that that is not quite an accurate statement. A good many plebiscites have been taken under international control and arrangements, and in many of those cases international troops were brought in to be in charge of law and order, and also to assure a perfectly free and fair vote. I might, in this connexion, draw attention to the plebiscites taken under the Treaty of Versailles and the Treaty of St. Germain in various places such as Schleswig, Allenstein and Marienwerder, Klagenfurt, Upper Silesia, Vilna, and the Saar in 1935. I do recognize that the peculiar features of each case have to be taken into consideration by any body that is called upon to deal with a particular problem.

I have already submitted to the Security Council—but I wish to repeat it—that, so far as the attitude of Pakistan is concerned, Pakistan is extremely anxious that the whole of the series of disputes between Pakistan and India, including the one relating to Kashmir, which unfortunately have arisen and require to be resolved, shall be resolved by a settlement proposed by the Security Council at the earliest possible date.

The representative of India and I feel the same way with regard to the urgency of the matter, and with regard to the need to save, if possible, not only days, but also hours and

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minutes. Because of the situation between Pakistan and India and because of the unfortunate results of the awful tragedy enacted in Delhi on the afternoon of 30 January,[1] the situation in India is momentarily in danger of worsening and deteriorating. It is necessary, therefore, that steps should be taken immediately and urgently to settle these matters between the two Dominions on a fair and just basis.

With regard to the draft resolutions presented to the Security Council [*237th meeting*] by the representative of Belgium [*documents S/661 and S/662*], our position is this: We feel that they distinctly mark a step forward in the process of achieving a settlement between Pakistan and India, and one also affecting the people of Kashmir, with reference to the Kashmir question. We are, therefore, without too meticulous an examination of the actual phraseology of the draft resolutions, prepared to accept them in the light of, and subject to—and I beg respectfully to repeat: in the light of, and subject to—the interpretation put upon them by the members of the Security Council who have spoken upon the subject so far.

I might again briefly draw attention to some of the features of these draft resolutions that have been stressed in the speeches that I have in mind. With reference to the fighting the representative of the United Kingdom asked [*236th meeting*]:

> "... What will stop it, and in what way should it be stopped? I do not believe for a moment that the Indian delegation or the Indian Government desire to stop this fighting by a military victory if it can be stopped by any other means. They do not want to crush those who are up in arms against their troops at this moment if they can be brought to an agreement in another way. They want them to stop fighting, as we all do because they are convinced that it is not necessary for them to go on fighting; in other words, because the Kashmiris can secure peace, safety for their families, and a free choice as to the future of their country without any more fighting. Everyone must agree that no matter what measures are taken, by way of refusing supplies, and so on, the process of stopping the fighting by a military victory may be long and bloody."

1. The allusion is to the assassination of Mohandas K. Gandhi.

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The representative of the United Kingdom went on to say:

> "What these two Governments want, and what we all want, is that the moral power and authority of the Security Council be brought to bear on the situation so that there can be a conviction on all sides that justice is to prevail, and that violence need not go on. Moreover, our object is not only to stop the fighting, but to keep it stopped. We have to arrive at a settlement which will prevent a new outbreak."

Mr. Noel Baker then went on to say: "The fundamental difference of view between the two parties is on the question: To which Dominion shall the people of Kashmir accede? But they both hold the view that that question is to be settled by the free expression of the people of Kashmir."

Later, reverting to the same subject, Mr. Noel Baker observed:

> "To which of the Governments, India or Pakistan, shall Kashmir accede? In my conception, infinitely the best way to stop the fighting is to assure those who are engaged in it that a fair settlement will be arrived at under which their rights will be assured...in my profound conviction, a settlement arrived at quickly in the Security Council is the real way to stop the fighting....However, we are on firm ground if we discuss the three points on which, as the President reported, the parties are agreed: first, that there shall be a plebiscite to settle the question as to whether Kashmir shall accede to India or to Pakistan; secondly, that this plebiscite must be held under conditions which will guarantee its fairness and impartiality; and thirdly, that the plebiscite must be held under the auspices of the United Nations."

The portions of Mr. Noel Baker's speech which I have quoted were delivered on 28 January 1948.

On 29 January 1948 [*237th meeting*] when the debate on the India-Pakistan question was continued, the representative of the United States of America observed:

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"We hold the view that no party to this transaction wishes to have hostilities and violence stopped by violence. No one wants to see a superior force sent into the Kashmir area to drive out the invaders of that area. Everyone, we assume, wants to see this situation so settled by an agreement that it will not be necessary to use any force to carry it into effect.

"It is also our view that, if we continue in the spirit of amity and with the wonderful sense of fairness that has been shown up to this point, it is possible here to adopt resolutions which would finally determine the conditions upon which the hostilities could be stopped.

Later, Mr. Austin went on to say:

"This agreement upon complete impartiality is of importance not merely to these parties but also to the whole world....There is nothing, in my view of the matter, that will command that approbation"—Mr. Austin had just said that whatever we decide here must command the approbation of good people all over the world—"as will machinery that is free from suspicion and that gives to all the world the appearance of impartiality by actually being an impartial administration of the plebiscite.

"...I say that because I think that each of these draft resolutions is a part of the whole idea that one cannot have cessation of hostilities and violence unless one has also an understanding, as one negotiates, as to the manner in which the hostilities shall be terminated, an agreement that satisfies everybody concerned in the agreement that the arrangements for the plebiscite have been advanced far enough so that it is apparent that the plebiscite will be free and fair."

The representative of the United States concluded by saying: "The other question of a fair plebiscite will also naturally involve a consideration of the form and substance of the administration of the Government leading up to and during

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the period of the plebiscite...." But Mr. Austin observed that he would not express himself on that subject at that stage.

During the same meeting of the Security Council, the representative of China, in giving expression to his views, said in part:

> "It is obvious that the key to the problem lies in the plebiscite. If the principle of a free and impartial plebiscite for deciding the all-important question of the accession of Kashmir to India or Pakistan should be accepted, much of the incentive to violence and the use of force would be removed."

At the same meeting the representative of the United Kingdom made the following statement:

> "...I am glad that members of the Security Council seem to share the view, which I have expressed more than once, that a general plan of full settlement of outstanding differences will, in fact, be the quickest way to stop the fighting...one cannot have a cessation of violence unless one has an agreement that satisfies everybody that the plebiscite will be free and fair, and, therefore, one must have an agreement as to how the plebiscite is to be prepared. I hope, therefore, that the Security Council will move as rapidly as possible to such a full agreement."

Mr. Noel Baker then said with regard to the commission that had already been agreed upon:

> "..I suggested to the parties and to the Council that we should regard it primarily as a commission to apply a settlement which was made here in the Council [*230th meeting*]. I hope that, before we end our work here, we shall have had not only the framework, but the full structure, of a settlement which will clear this matter away and remove it entirely as a cause of misunderstanding between India and Pakistan."

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He also said:

"The more I think about it, the more convinced I am that that phrase 'under the auspices of the United Nations' must imply not only that the plebiscite must be fair in itself, but that it must seem fair to all concerned; not only that in fact justice shall be assured, as I am certain it would be assured by the sole action of any one Government at this table if it had a free hand, but that it must seem fair to both the Government of India and the Government of Pakistan, to all the members of the Security Council, to all the members of the United Nations and, I add—and I think this is the crucial point in stopping the fighting, as I have said before—that it must seem fair to the combatants, both Muslim and non-Muslim, in Kashmir itself.

"Unless we can get such a system, I am sure that the Security Council would not be justified in undertaking any responsibility in the matter in the name of the United Nations."

In the light of these observations and subject to the conditions explained in these speeches, we are prepared to accept the two draft resolutions presented by the representative of Belgium as marking a definite and salutary step forward in the settlement of the dispute relating to Kashmir.

I was grieved to observe that the representative of India, at the conclusion of his submission, seemed to utter what sounded like an ultimatum. Those disputes have been brought before the Security Council for settlement, by agreement if possible, but, if not, then according to the recommendations of the Security Council, or by such other action of the Security Council as may seem to it to be fair and just and required by the situation. The situation does constitute a threat to the maintenance of international peace and security. It is the duty of the Security Council to deal with it so as to eliminate that threat. We have full trust that the Security Council will proceed to do so. The representative of the United Kingdom observed as follows:

"If the negotiations which have taken place under the guidance of the President do not lead within a very short

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time to some definite result or to some hope of a full settlement in the early future, I feel sure that it will become incumbent upon the Security Council to see whether it cannot help in some more direct and collective way."

I trust that the Security Council will see its way to securing at a very early date a settlement not only of the Kashmir question, but also of the other disputes which are for the moment disturbing the relations between the two Dominions, by agreement between the two parties if possible, but if unhappily that should prove impossible, then by giving such directions as seem fair and just to the Security Council.

(SCOR, 3rd Year, Mtg. No. 240, pp. 353-366)

94. Text of the Speech made by Mr. Sheikh Mohammad Abdullah (India) in the Security Council Meeting No. 241 held on 5 February 1948

I have heard with patience, attention and respect the statements made by the representative of Pakistan and members of the Security Council, as well as the statements made on various occasions by the members of my own delegation. The Security Council will concede that I am probably the one man most concerned in this dispute because I happen to come from that land which has become the bone of contention between the two Dominions of India and Pakistan.

I have been quoted profusely on either side, and rightly so, because I have had the fortune—or, should I say, misfortune—of leading my countrymen to freedom from 1931 onwards. In this task, I have suffered a great deal. I have been imprisoned not once or twice, but seven times, and the last imprisonment carried with it an aggregate sentence of nine years.

There are many troubles in Kashmir. I have heard patiently to the debate in the Security Council, but I feel that I am rather confused. After all, what is the point in dispute? The point in dispute is not that the sovereignty of the Prince is in question, as the representative of Pakistan stated yesterday. After all, I have suffered the punishment of being sentenced to nine years, imprisonment for saying what the representative

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of Pakistan said with regard to the Treaty of Kashmir of 1846. I am glad that he said it in the Security Council, where he is immune from any punishment. Therefore, I am not disputing that point, and that it is not the subject of the dispute before the Security Council.

The subject of the dispute before the Security Council is not the maladministration of the Princely State of Kashmir. In order to set right that maladministration, I think I have suffered the most, and today, when, for the first time, I heard the representative of Pakistan supporting my case, it gave me great pleasure.

After all, what is the dispute between India and Pakistan? From what I have learned from the complaint brought before the Security Council by my own delegation, the dispute revolves around the fact that Kashmir acceded legally and constitutionally to the Dominion of India. There was some trouble about the democratization of the Kashmir administration within the State, and the tribesmen from across the border have poured into my country. They have been helped and are being helped by the Pakistan Government, with the result that there is the possibility of a greater conflagration between India and Pakistan. India sought the help of the Security Council so that Pakistan might be requested to desist from helping the tribesmen, and to desist from supporting the inside revolt, should I say, against the lawful authority.

I should have understood the position of the representative of Pakistan if he had come boldly before the Security Council and maintained: "Yes, we do support the tribesmen; we do support the rebels inside the State because we feel that Kashmir belongs to Pakistan and not to India, and because we feel that the accession of Kashmir to India was fraudulent." Then we might have discussed the validity of the accession of the State of Kashmir to India. But that was not the position taken by the representative of Pakistan. He completely denied that any support was being given by the Government of Pakistan to either the tribesmen or those who are in revolt within the State against the constituted authority.

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How am I to convince the Security Council that the denial is absolutely untrue? I am sitting before the Security Council at a distance of thousands of miles from my country. I have fought many battles, along with my own men, on the borders of Jammu and Kashmir; I have seen with my own eyes the support given by the Pakistan Government, not only in supplying bases but in providing arms, ammunition, direction and control of the tribesmen and I have even seen the Pakistan Army forces from across the border.

The denial has come so flatly that it becomes very difficult for me to disprove it here before the Security Council, unless the Security Council accedes to our request to send a commission to the spot and to find out first whether the allegations brought before the Security Council with regard to the aid given by the Government of Pakistan are correct or incorrect. If they are incorrect, the case falls; if they are correct, then the Security Council should take the necessary steps to advise the Government of Pakistan to desist from such support.

But then, this simple issue has been confused. On the one hand, the Pakistan Government says: "We are not a party to the trouble within the State. The trouble within the State exists because the people are fighting against the maladministration of the Jammu and Kashmir Government." Yes, we are fighting. We have been fighting against the maladministration of that State since 1931; we have been demanding democratization of the Government there. But how is it that today Pakistan has become the champion of our liberty? I know very well that in 1946, when I raised the cry of "Quit Kashmir," the leader of the Pakistan Government, who is the Governor-General now, Mr. Mohammad Ali Jinnah, opposed my Government, declaring that this movement was a movement of a few renegades and that Muslims as such had nothing to do with the movement.

The Muslim Conference, which has been talked about so much, opposed my movement and declared its loyalty to the Prince. The representative of Pakistan now says that Sheikh Abdullah, once the supporter of "Quit Kashmir," has joined hands with the Maharaja of Kashmir, and that in one of my public speeches I declared that I wanted the Maharaja to be

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the Maharaja of Jammu and Kashmir—not the Maharaja of Jammu only, but the Maharaja of the entire State.

I should like to correct the misreporting of my speech. I did deliver that speech in Jammu, which is the winter capital of our country, but it was in a different context. As the members of the Security Council have already heard from the head of my delegation, some massacres did occur in the Jammu Province. After the Kashmir Province was raided by the tribesmen, and after thousands of Hindus and Sikhs were uprooted from the villages and towns in the Kashmir Province and found their way into the Jammu Province, there was some very bad retaliation. I could not go to Jammu Province to control that situation, because I was busy with the raiders in Kashmir Province. However, as soon as I had some time, I flew down to Jammu Province, addressed a gathering of 60,000 Hindus and Sikhs in Jammu City, and gave them some plain advice.

I told them clearly that this policy of retaliation would bring no good to them as Hindus and Sikhs and would bring no good to their leader, because while they could retaliate in one or two districts where they formed the majority, and could even wipe out the Muslim population in these one or two districts, the State happens to have a population which is 80 per cent Muslim, and it would be impossible for them to wipe out the entire Muslim population. The result would be that the Prince, whom they wanted to support, would remain the Prince of only two districts, and not of the entire State of Jammu and Kashmir. I told them that, if they wanted him to be Prince of Jammu and Kashmir, they would have to change their behaviour. That was the speech I delivered, and that was the context in which it was made.

However, I have already stated how this trouble started. It is probable that the representative of Pakistan would admit that, when India was divided into two parts, my colleagues and I were all behind prison bars. The result of this division of India was to start massacres on either side. Where Muslims in West Punjab formed the majority, the killing of Hindus and Sikhs started, and this was retaliated in East Punjab. All along our border, massacres of Hindus and Sikhs, on the one hand, and Muslims, on the other hand, were a daily occurrence. But

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the State of Jammu and Kashmir, and its people, kept calm. The result was that thousands of refugees, both Muslims and Hindus, sought refuge in our State and we rendered every possible help to all of them.

Why was that so? It was because I and my organization never believed in the formula that Muslims and Hindus form separate nations. We do not believe in the two-nation theory, nor in communal hatred or communalism itself. We believed that religion had no place in politics. Therefore, when we launched our movement of "Quit Kashmir" it was not only Muslims who suffered, but our Hindu and Sikh comrades as well. That created a strong bond of unity between all the communities, and the result was that while Hindus, Sikhs and Muslims were fighting each other all along the border, the people of Jammu and Kashmir State—Muslims, Hindus and Sikhs alike—remained calm.

The situation was worsening day by day and the minority in our State was feeling very nervous. As a result, tremendous pressure was brought to bear upon the State administration to release me and my colleagues. The situation outside demanded the release of workers of the National Conference, along with its leader, and we were accordingly set free.

Immediately we were liberated from prison we were faced with the important question of whether Kashmir should accede to Pakistan, accede to India, or remain independent, because under the partition scheme these three choices were open to us as, indeed, they were open to every Indian State. The problem was a very difficult one, but I advised the people of my country that although the question was very important to us, it was a secondary consideration. The all-important matter for us was our own liberation from the autocratic rule of the Prince, for which we were fighting and had been fighting for the past seventeen years. We had not achieved that goal, and therefore I told my people that we must do so first. Then, as free men we should have to decide where our interests lay. Being a frontier State, Kashmir has borders with both Pakistan and India, and there are advantages and disadvantages for the people of

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Kashmir attached to each of the three alternatives to which I have referred.

Naturally, as I have indicated, we could not decide this all-important issue before achieving our own liberation, and our slogan became "Freedom before accession." Some friends from Pakistan met me in Srinagar. I have a heart-to-heart discussion with them and explained my point of view. I told them in plain words that, whatever had been the attitude of Pakistan towards our freedom movement in the past, it would not influence us in our judgement. Neither the friendship of Pandit Jawaharlal Nehru and of Congress, nor their support of our freedom movement, would have any influence upon our decision if we felt that the interests of our million Kashmiris lay in our accession to Pakistan.

I requested them not to precipitate this decision upon us but to allow us time, supporting our freedom movement the while. I added that once we were free they should allow us an interval to consider this all-important issue. I pointed out that India had accepted this point of view and was not forcing us to decide. We had, in fact, entered into a standstill agreement with both Pakistan and India, but the leader of the Indian delegation has already explained to the Security Council what Pakistan did to us.

While I was engaged in these conversations and negotiations with friends from Pakistan, I sent one of my colleagues to Lahore, where he met the Prime Minister of Pakistan, Mr. Liaquat Ali Khan, and other high dignitaries of the West Punjab Government. He placed the same point of view before them and requested that they should allow us time to consider this vital question, first helping us to achieve our liberation instead of forcing us to declare our decision one way or the other. Then, one fine morning while these negotiations were proceeding, I received news that a full-fledged attack had been carried out by the raiders on Muzaffarabad, frontier town in the Kashmir Province.

The representative of Pakistan has stated that immediately upon my release I went down to Delhi to negotiate the accession of Kashmir to India. That is not a fact. He probably does not

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know that while in gaol I was elected President of the All India States People's Conference, and that immediately upon my release I had to take up my duties. Accordingly, I had called a meeting of the executive of that Conference in Delhi, a fact which I had conveyed to the Prime Minister of Pakistan. Indeed, I had told the Prime Minister of Pakistan that immediately upon my return from Delhi I should take the opportunity of meeting him personally to discuss my point of view with him. I did not go to Delhi to conclude any agreement on behalf of Kashmir because, although released, I was still considered a rebel.

I might inform the representative of Pakistan that although I am beyond doubt the head of the Administration of Kashmir State, I am not the Prime Minister. I am head of the Emergency Administration, and that not because the Maharaja of Kashmir wished it. In fact, I do not know whether the Maharaja wishes it even now. I hold the position because the people of my country wish me to be at the helm of affairs in Jammu and Kashmir State.

When the raiders came to our land, massacred thousands of people—mostly Hindus and Sikhs, but Muslims, too—abducted thousands of girls, Hindus, Sikhs and Muslims alike, looted our property and almost reached the gates of our summer capital, Srinagar, the result was that the civil, military and police administrations failed. The Maharaja, in the dead of night, left the capital along with his courtiers, and the result was absolute panic. There was no one to take over control. In that hour of crisis, the National Conference came forward with its 10,000 volunteers and took over the administration of the country. They started guarding the banks, the offices and houses of every person in the capital. This is the manner in which the administration changed hands. We were *de facto* in charge of the administration. The Maharaja, later on, gave it a legal form.

It is said that Sheikh Abdullah is a friend of Pandit Jawaharlal Nehru. Yes, I admit that. I feel honoured that such a great man claims me as his friend. And he happens to belong to my own country; he is also a Kashmiri, and blood is thicker than water. If Jawaharlal gives me that honour, I cannot help

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it. He is my friend. But that does not mean that, because of his friendship, I am going to betray the millions of my people who have suffered along with me for the last seventeen years and sacrifice the interests of my country. I am not a man of that calibre.

I was explaining how the dispute arose—how Pakistan wanted to force this position of slavery upon us. Pakistan had no interest in our liberation or it would not also have opposed our freedom movement. Pakistan would have supported us when thousands of my countrymen were behind bars and hundreds were shot to death. The Pakistani leaders and Pakistani papers were heaping abuse upon the people of Kashmir who were suffering these tortures.

Then, suddenly, Pakistan comes before the bar of the world as the champion of the liberty of the people of Jammu and Kashmir. The world may believe this, but it is very difficult for me to believe.

When we refused the coercive tactics of Pakistan, it started full-fledged aggression and encouraged the tribesmen in this activity. It is absolutely impossible for the tribesmen to enter our territory without encouragement from Pakistan, because it is necessary for them to pass through Pakistan territory to reach Jammu and Kashmir. Hundreds of trucks, thousands of gallons of petrol, thousands of rifles, ammunition, and all forms of help that an army requires, were supplied to them. We know this. After all, we belong to that country. What Pakistan could not achieve by the use of the economic blockade it wanted to achieve by full-fledged aggression.

I had thought all along that the world had got rid of the Hitlers and Goebbels, but, from what has happened and what is happening in my poor country, I am convinced they have only transmigrated their souls into Pakistan.

We are being attacked daily. Thousands of armed men come across the Pakistan border and raze each and every village of our country to the ground. That is what is actually happening. We see it daily with our own eyes, and yet we are being told that Pakistan has nothing to do with this—that it is not at all interestd.

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What do we request? We request nothing more than that the Security Council should send some members to this area to see for themselves what is happening there.

If Pakistan comes forward and says, "We question the legality of the accession," I am prepared to discuss whether or not the accession of Jammu and Kashmir to India was legal. However, now they say, "We want a plebiscite; we want to obtain the free and unfettered opinion of the people of Kashmir. There should be no pressure exerted on the people and they should make the free choice as to the State to which they wish to accede."

Not only is this the offer that was made by the people of Kashmir to Pakistan long, long ago, but it is the offer made by the Prime Minister of India at a time when, I think, he had not the slightest need for making it, as Kashmir was in distress.

We realized that Pakistan would not allow us any time, that we had either to suffer the fate of our kith and kin of Muzaffarabad, Baramula, Srinagar and other towns and villages, or to seek help from some outside authority.

Under those circumstances, both the Maharaja and the people of Kashmir requested the Government of India to accept our accession. The Government of India could easily have accepted the accession and could have said, "All right, we accept your accession and we shall render this help." There was no necessity for the Prime Minister of India to add the proviso, when accepting the accession, that "India does not want to take advantage of the difficult situation in Kashmir. We will accept this accession because, without Kashmir's acceding to the Indian Dominion, we are not in a position to render any military help. But once the country is free from the raiders, marauders and looters, this accession will be subject to ratification by the people." That was the offer made by the Prime Minister of India.

That was the same offer which was made by the people of Kashmir to the Government of Pakistan, but it was refused because at that time Pakistan felt that it could, within a week, conquer the entire Jammu and Kashmir State and then place the *fait accompli* before the world, just as happened some time ago in Europe. The same tactics were used.

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But, having failed in those tactics, Pakistan now comes before the bar of the world, pleading: "We want nothing; we only want our people to be given a free hand in deciding their own fate. And in deciding their own fate, they must have a plebiscite." There is no dispute as to that. After all, this is the offer that was made by the Prime Minister of India and by the people of Kashmir.

They then continue and say: "No, a plebiscite cannot be fair and impartial unless and until there is a neutral administration in the State of Jammu and Kashmir." I have failed to understand this terminology with reference to a "neutral administration". After all, what does "neutral administration" mean?

The representative of Pakistan has stated that Sheikh Abdullah, because he is a friend of Jawaharlal Nehru, because he has had sympathy for the Indian National Congress, because he has declared his point of view in favour of accession to India, and because he is head of the Emergency Administration, cannot remain impartial. Therefore, Sheikh Abdullah must depart.

Let us suppose that Sheikh Abdullah goes. Who is to replace Sheikh Abdullah? It will be someone from amongst the 4 million people of the State of Jammu and Kashmir. But can we find anyone among these 4 million people whom we can call impartial? After all, we are not logs of wood; we are not dolls. We must have an opinion one way or the other. The people of Kashmir are either in favour of Pakistan or in favour of India.

Therefore, Pakistan's position comes down to this: that the 4 million people of that State should have no hand in running the administration of their own country. Someone else must come in for that purpose. Is that fair? Is that just? Do the members of the Security Council wish to oust the people of Kashmir from running their own administration and their own country?

Then, for argument's sake, let us suppose that the 4 million people of the State of Jammu and Kashmir agree to have

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nothing to do with the administration of their country; someone else must be brought into the country for this purpose. From where do the members of the Security Council propose that such a neutral individual may be secured? From India? No. From Pakistan? No. From anywhere in the world. No. Frankly speaking, even if the Security Council were to request Almighty God to administer the State of Jammu and Kashmir during this interim period, I do not feel that He could act impartially. After all, one must have sympathy either for this side or that side.

If elections were to be held in the United Kingdom sometime after tomorrow, with the Labour Government in power, would anyone say to Mr. Attlee: "The elections are now going on. Because you happen to belong to the Labour Party, your sympathies will be in favour of the Labour vote. Therefore, you had better clear out. We must have a neutral man as Prime Minister until our elections are finished?"

However, we have been told that Sheikh Abdullah must walk out because he has declared his point of view in favour of India. Therefore, he cannot be impartial. We must have some impartial man; we must have some neutral man.

As I have submitted to the members of the Security Council, Sheikh Abdullah happens to be there because the people wish it. As long as the people wish it, I shall be there. There is no power on earth which can displace me from the position which I have there. As long as the people are behind me, I will remain there. Once the people cease to have any faith in me, I will not be there.

We have declared, once and for all, that there shall be freedom of voting, and for that purpose we have said: "Let anyone come in; we have no objection. Let the Commission of the Security Council on India come into our State and advise us how we should take a vote, how we should organize it, and how it can be completely impartial. We have no objection." My Government is ready to satisfy, to the last comma, the impartiality of the vote.

But to have an impartial vote is one thing; to have a say in the administration of the State is a different thing entirely. After

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all, with what are we concerned? We are concerned only with the fact that no influence shall be exercised over the voters, either in one way or in another. The people shall be free to vote according to their own interests. We are ready to accede to that.

It is then said: "You cannot have freedom of voting as long as the Indian Army remains in the State of Jammu and Kashmir." It is probably very difficult for me to draw a full picture of what is going on in that country. There is absolute chaos in certain parts of the country; fighting is going on, and thousands of tribesmen are there, ready to take advantage of any weakness on the part of the State of Jammu and Kashmir.

Once we ask the Indian Army, which is the only protective force in Kashmir against these marauders, to clear out, we leave the country open to chaos. After all, one who has suffered for the last seventeen years, in attempting to secure the freedom and liberation of his own country, would not like an outside army to come in and to remain in the country.

However, what is the present situation? If I ask the Indian Army to clear out, how am I going to protect the people from the looting, arson, murder, and abduction with which they have been faced all these long months? What is the alternative? The Prime Minister of India long ago declared that the Government of India has no intention of keeping its army permanently stationed in Kashmir. He stated: "We are there only as long as the country is in turmoil. Once law and order are established, once the marauders and the tribesmen leave the country, we will withdraw our army." That pledge is already there.

There need be no fear, since the Indian Army is there, that this army will interfere in the exercise of a free vote. After all, a commission of the Security Council will be there in order to watch. The Indian Army does not have to go into every village. It will be stationed at certain strategic points, so that in the event of danger from any border, the army will be there to protect that border. The army is there to curb disorders anywhere in the State; that is all. The army will not be in each and every village in order to watch each and every vote.

It is then said: "Can we not have a joint control? Can we

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not have the armies of Pakistan and India inside the State in order to control the situation?" This is an unusual idea. What Pakistan could not achieve through ordinary means, Pakistan wishes to achieve by entering through the back door, so that it may have its armies inside the State and then start the fight. That is not possible.

After all, we have been discussing the situation in Kashmir. I should say that we have been playing the drama of Hamlet without the Prince of Denmark. The people of Kashmir are vitally interested in this question. Four million people in Kashmir are keenly interested in this entire affair. I have sympathies with the peoples of Poonch and Mirpur. The representative of Pakistan will probably concede that I have suffered greatly for the people of Poonch as well as for the people of Mirpur. There is no difference on this part of internal democratization of the administration between me, my party and the people of Poonch. We are one, we want our own liberty, we want our own freedom, we do not want autocratic rule. We desire that the 4 million people in Jammu and Kashmir—Hindus, Sikhs and Muslims shall have the right to change their destiny, to control their country, and to administer it as best they can. On that point there is absolutely no difference.

However, it is not a question of internal liberation. The Security Council should not confuse the issue. The question is not that we want internal freedom; the question is not how the Maharaja got his State, or whether or not he is sovereign. These points are not before the Security Council. Whether Kashmir has lawfully acceded to India—complaints on that score have been brough before the Security Council on behalf of Pakistan—is not the point at issue. If that were the point at issue, then we should discuss that subject. We should prove before the Security Council that Kashmir and the people of Kashmir have lawfully and constitutionally acceded to the Dominion of India, and Pakistan has no right to question that accession. However, that is not the discussion before the Security Council.

Indian and Kashmiri forces are ready to deal with the tribesmen, to come to an understanding with the people of Kashmir,

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and to establish a democratic form of government inside the State. We shall do all that. We do not want Pakistan to lend us support to suppress an internal revolt or to drive out the tribesmen. We do not seek any support from Pakistan in that connexion. Since Pakistan is a neighbouring country, we desire to remain on the friendliest possible terms with this sister Dominion. But we do ask that Pakistan shall have no hand, directly or indirectly, in this turmoil in Kashmir. The Government of Pakistan has said, "We have had no hand in this turmoil." The only course left to the Security Council is to send out the commission and to see whether or not Pakistan has had any hand in this turmoil. If Pakistan has had any hand in this turmoil, then the Government of Pakistan should be asked to desist from such activity. If Pakistan has had no hand in this turmoil, then that can be proved.

This issue has been clouded by very many other issues and interests. I suggested at informal talks that, according to my understanding, there are two points at issue: first, how to have this neutral, impartial administration; second, whether or not the Indian Army shall remain.

It is not at all disputed that we must have a plebiscite and that the accession must be ratified by the people of Kashmir, freely and without any pressure on this or that side. That much is conceded, there is no dispute about that. The dispute arises when it is suggested that, in order to have the free vote, the administration must be changed. To that suggestion we say, "No."

I do not know what course future events will take. However, I may assure the Security Council that, if I am asked to conduct the administration of this State, it will be my duty to make the administration absolutely impartial. It will be my duty to request my brothers, who are in a different camp at this time, to come to lend me support. After all, they are my own kith and kin. We have suffered together; we have no quarrel with them. I shall tell them: "Come on; it is my country; it is your country. I have been asked to administer the State. Are you prepared to lend me support? It is for me

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to make the administration successful; it is for me to make the administration look impartial." It is not for Pakistan to say: "No, we must have an impartial administration." I refuse to accept Pakistan as a party in the affairs of the Jammu and Kashmir State; I refuse this point blank. Pakistan has no right to say that we must do this and we must do that. We have seen enough of Pakistan. The people of Kashmir have seen enough. Muzaffarabad and Baramula and hundreds of villages in Jammu and Kashmir depict the story of Pakistan to the people of Jammu and Kashmir. We want to have no more of this.

In concluding, I again request that, in order to settle this issue of Kashmir, the Security Council should not confuse the point in dispute. The Security Council should not allow various other extraneous matters to be introduced. Very many extraneous matters have been introduced. The representative of Pakistan gave us the history of the Jammu and Kashmir State. He read to us some letters from viceroys of India, asking the Maharaja of Jammu and Kashmir to behave, giving the Maharaja good advice, *et cetera*. However, we cannot forget that these States are the creation of British imperialism in India. Who has supported these States and this misrule for these 150 years? It is not going to convince me or the world for the representative of Pakistan to say: "These events have happened and these letters were written." We know how the Princes have acted, how the States were brought into existence, and how the Princes were supported. This was all a game in the British imperialist policy. But this legacy has now fallen upon us. We are not here to discuss whether or not the Maharaja lawfully became the ruler of the State, whether or not there is moral administration in this State, whether or not the Maharaja is sovereign and whether or not Kashmir has legally acceded to India. Those issues are not before the Security Council. The only issue before the Security Council is that Pakistan must observe its international obligations and must not support any outside raiders.

Pakistan should not encourage inside revolt. Pakistan has denied that it has. In order to verify the statements made by

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the representatives of India and Pakistan, the Security Council must send a commission to the spot to see whether the complaint brought before the Security Council is valid or invalid. If the Security Council finds that the complaint brought before it by India is valid, then, Pakistan should be asked to desist, or India should be permitted to use its means to carry out the decision of the Security Council.

As far as I can speak on behalf of India, India does not want the help of the armies of Pakistan. What it wants from Pakistan is that Pakistan should not supply bases to the raiders on Pakistan territory across the border from Jammu and Kashmir State. All along the border on Pakistan territory, there are huge concentrations of these tribesmen who are Pakistani nationals. We request Pakistan not to allow its territory to be used by these raiders.

Pakistan should not provide ammunition, arms, direction and control to these tribesmen. It should stop the passage of these tribesmen through its territory. Pakistan should not supply arms and ammunition to the people who are fighting within the State because all these matters fall under an international obligation. Therefore, Pakistan should desist from that practice. That is all.

We do not want any armed help from Pakistan. If Pakistan does what we have requested, the Indian Army, I am quite sure, will be capable of driving out the raiders and tribesmen. If Pakistan does not meddle in our affairs, we will be capable of solving all our own internal disputes with the Maharaja of Kashmir. However, as long as this unofficial war continues, it is very difficult for us to do anything. Our hands are tied.

What is happening? The raiders are concentrated just across the border. They enter our State in large number—four or five thousand strong. They raid four or five villages, burn them, abduct women and loot property. When our army tries to capture them, they go back across the border. Our army cannot go across the border, and cannot fire a single shot across the border, because if it does, there is the immediate danger of a greater conflagration. So our hands are tied.

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We did not want to create this difficult situation without informing the Security Council, and we felt honour-bound to inform it of the actual position. The Indian Army could easily have followed the raiders across the border and could have attacked the bases, which were all in Pakistan territory, but it desisted. We thought it would be better to inform the Security Council of the situation.

However, I did not have the slightest idea that, when the case came before the Security Council, the representative of Pakistan would so boldly deny that Pakistan supplied all this help. Everybody knows that Pakistan is aiding these raiders and tribesmen and the people who are fighting within the State. However, Pakistan chose boldly to deny all these charges.

What is left for me to do? After all, I do not have any magic lamp so that I might bring the entire picture of Jammu and Kashmir State, along with the borders of Pakistan, before ths eyes of the members of the Security Council so that they might see who is fighting and who is not fighting. Therefore, somebody must go to the spot. Then at that time it would be for us to prove that the charges we have brought before the Security Council are correct to the last word. That is the only help, we want, and no other help.

95. Text of the Speech made by Mr. Gopalaswami Ayyangar (India) in the Security Council Meeting No. 242 held on 5 February 1948

I am very grateful to the President and to the Security Council for their indulgence in extending to my delegation an opportunity of intervening in the debate at this stage. It is a matter of embarrassment to me that I should have been obliged to ask for such an opportunity. I wish that it had been my lot to be able to follow the example of the representative of Pakistan, and to claim that such interventions as I am obliged to make are necessitated by happenings in the Security Council which were not anticipated, and that, left to myself, I should have been a good boy in accepting all the suggestions that have fallen from the lips of

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representatives during the discussions which have taken place here.

Unfortunately, the interests of my country have demanded that I should ask permission to make these interventions, because I considered it my duty to guide the debate in the right direction from my standpoint if I possibly could. I am glad to be able to say that my intervention at the 237th meeting, followed as it was by my speech at the 239th meeting, has produced a change in the attitude of the Security Council as a whole toward the solution of the problems with which we are confronted.

Yesterday we had some very helpful suggestions from different members of the Security Council, and, in this connexion, I wish particularly to refer to the remarks of the representative of China, and to the observations that were made and the memorandum that was submitted by the representative of Colombia at the 241st meeting.

Before I deal with these, I should like to refer only to one or two matters which arose from the speech which the representative of Pakistan made at the 239th meeting. A good many of his points have been answered by my colleague who spoke yesterday. There are a few other points—not many—to which I should like to refer.

There has been one particular matter to which the representative of Pakistan has made frequent reference, and that is the number of raids that have been made upon Pakistan territory from beyond the Kashmir border. He first referred to 130 such raids, a number which he said later on had risen to about 150.

I have been at some pains to ascertain the correctness of this allegation, and I shall read to the Security Council an extract from a telegram which I recently received from my Government in India. The telegram says:

> "Reference list containing 130 allegations against Indian Union for infringing Pakistan border by incidents caused by Indian Union troops. Of this number only two are alleged against Indian troops and all other charges are made against State force troops. These are being investigated, and of

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those investigated so far, all are false. Of all these charges only twelve were officially reported to us previously by the Pakistan Army. These also were proved to be groundless."

I am sorry that I have not been able to get more definite information about the details of individual raids, but the allegation has been investigated partly and an investigation is being made with regard to the rest.

Passing on to some of the remarks of the representative of Pakistan about statements made by the Prime Minister of India at various times, it seems to me necessary that I should go into any detail. This matter has been discussed between us on several occasions. I have referred to a good many statements made on the other side, and the representative of Pakistan has referred to statements made on our side. At one stage the representative of Pakistan began to speak about our complaint that there had been a breach of international obligations, but he immediately launched himself into a detailed account of the manner in which the State of Kashmir was acquired by the present dynasty. I really do not think that this particular matter is of any special relevancy in connexion with the issues now before the Security Council.

I would pass this account by for the reason that, even if the great-grandfather or the grandfather of the present ruler was a man steeped in iniquity, it does not follow that the powers or the authority exercised by the present ruler cannot be recognized in international or even in Indian society.

I would pass on to the remarks of the representative of Pakistan as regards the question of accession. These remarks appear in his speech to the Security Council during the 240th meeting. The representative of Pakistan said:

"India's reply and India's stand throughout has been: 'We accepted Kashmir's accession provisionally—for the moment—in order to deal with the emergency that had arisen; and once the emergency was out of the way, the question of accession would be decided by the people through a plebiscite.' "

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That is not quite an accurate description of India's attitude.

That attitude would be more correctly described in the following words: "We accepted Kashmir's offer of accession at a time when she was in peril, in order to be able effectively to save her from extinction. We will not, in the circumstances, hold her to this accession as an unalterable decision on her part. When the emergency has passed and normal conditions are restored, she will be free, by means of a plebiscite, either to ratify her accession to India or to change her mind and accede to Pakistan or remain independent. We shall not stand in the way if she elects to change her mind." That, I think, is the proper description of India's attitude.

If I may explain the position a little more in detail, the law bearing on the facts is as follows. Under section II of the India Act, any Indian State is at liberty to accede to either Dominion or to remain independent. If a State did accede to a Dominion, it could not withdraw from that accession except with the permission of that Dominion. What India had said was: "Kashmir offered her accession at a time of peril to her, and we shall not hold her to this offer. We shall accept it now, but we shall leave it to her and her people to change their minds and ask to withdraw from the accession to India and to accede to Pakistan or remain independent. If Kashmir does change her mind, then we commit ourselves to the position that we shall give our consent to her withdrawal from the accession to India." That, in effect, is the position involved. There can really be no provisional accession, though that expression has been loosely used in the course of speeches, broadcasts and newspaper comments in regard to Kashmir's accession.

The instrument of accession is a document complete in itself. To the best of my memory, the instrument, in the case of Kashmir, does not confirm any conditions. It does not state that the accession is provisional. The commitment which the Government of India made for themselves on the question of ascertaining the wishes of the people was contained in a letter accompanying the accepted instrument of accession. The Government of India is certainly bound by its commitment, but

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it would be wrong to call the accession itself a provisional accession.

With regard to this question of accession, we should remember that it became complete and operative on 26 October 1947. The effect of the Government of India's commitment in regard to the plebiscite was that if, on the plebiscite being taken, the vote went against accession to India, India would release Kashmir from the accession. Upon such release, the accession, which up to that point must be considered to be valid and effective, would, as it were, cease.

I now pass to another point raised by the representative of Pakistan. At the 240th meeting of the Security Council the representative of Pakistan quoted a telegram from the Prime Minister of India to the Prime Minister of Pakistan in which the Prime Minister of India made three proposals, namely:

"1. That the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir;

"2. That the Government of India should repeat their declaration that they will withdraw their troops from Kashmir as soon as raiders have withdrawn and law and order are restored; and

"3. That the Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date."

These were the proposals made by the Government of India for the acceptance of the Government of Pakistan. They did not materialize. As Pakistan was not prepared to accept them in the form in which they were made, they were not prepared to implement the obligations which those proposals imposed upon them. It is not reasonable, at this stage, to take out only what India was prepared to commit herself to on that occasion if Pakistan did her part of the arrangement, and to say that we are now departing from what we agreed to on that occasion. Pakistan, at that time, was unwilling to make even a public statement condemning the action of the raiders and asking them to withdraw.

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The quotation made by the representative of Pakistan is taken from a telegram dated 8 November 1947. In the same telegram there are other passages of a revealing character. I wish to read to the Security Council some of the passages of the telegram from the Prime Minister of India to the Prime Minister of Pakistan.

Paragraph 5 of this telegram states:

"Lord Mountbatten, on his return from Lahore, gave me a full account of his talk with Mr. Jinnah, in particular of two important suggestions which had been discussed, namely: one, the withdrawal of Indian troops and tribesmen from Kashmir; and two, the holding of a plebiscite at the earliest possible date.

"As regards the first proposal, Lord Mountbatten told me that Mr. Jinnah desired that the withdrawal of the Indian Dominion troops and tribesmen should be simultaneous, but that he, Lord Mountbatten, had pointed out that it was clearly impossible for the Indian troops to withdraw from Kashmir Valley until the raiders had left Kashmir soil and law and order had been restored in Kashmir. Lord Mountbatten had also made it quite clear to Mr. Jinnah that the Government of India had no desire to retain troops in Kashmir for a moment longer than was necessary.

"As regards the second point, Lord Mountbatten reports that Mr. Jinnah had expressed the view that there was no hope of a fair plebiscite under the present Kashmir authorities. To meet this point, Lord Mountbatten had suggested that it should be conducted under the auspices of the United Nations. Mr. Jinnah had put forward the counter-proposal that the two Governors General should be given plenary powers to settle the matter. Lord Mountbatten had pointed out that it would be constitutionally improper for him to undertake this duty."

Pandit Nehru went on to say to Mr. Liaquat Ali Khan: "As regards your proposals one and two, armed raiders have entered Kashmir to the accompaniment of massacre, arson and loot. Our troops have been sent there to drive out these raiders

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and protect Kashmir. So long as these raiders remain there and law and order have not been established, our troops must discharge their duty. Afterwards, they will be withdrawn, as I have already undertaken."

Then, in a later telegram dated 13 November, Pandit Nehru told Mr. Liaquat Ali Khan: "We cannot withdraw our troops from Kashmir or those taking precautionary measures until Kashmir is free from these raiders and there is no chance of further attack."

There is nothing in the proposals that we have placed before the Security Council which can be considered to be inconsistent with the attitude that our Prime Minister took from the very beginning. While saying this, I should also draw the attention of the members of the Security Council to the fact that a great many things happened between the beginning of November 1947 and the end of January 1948, and the fighting has continued. There has been no attempt on the part of Pakistan to co-operate with India in trying to stop the fighting. On the other hand, the fighting has become more and more intensified, and the conviction has been borne in upon both the Government and people of Kashmir, and upon the Government of India, that it would be a very risky undertaking, from the standpoint of defending the State against aggression and preserving law and order in the State, for the Indian troops to be withdrawn in any haste from the soil of Kashmir.

In the proposals that we have submitted, we have said that the strength of the Indian troops in the State would be reduced progressively after the stoppage of fighting, and that we would retain only such troops in the State as are required for protection against external aggression and in the discharge of the Indian Government's obligation for defence of the State of Jammu and Kashmir.

A good deal has been said about the other part of the proposals that we have made, namely, that the function of the reduced strength of troops that we shall maintain in Kashmir would be not only defence against external attack, but that those troops would be available to support the civil power in the maintenance of law and order when an emergency required

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such aid. I only wish to point out that this is the normal function of any armed force in any State in the world. Primarily, the armed forces are required to defend the country against attack from outside. Internal law and order has to be maintained by the civil power primarily, with the aid of the police and such armed militia as it may raise for the purpose. But occasions do arise, and emergencies do occur in internal administrations, when these forces at the proposal of the civil power do not prove adequate. In those cases, the army has to go to the aid of the civil power. This is all that was meant by the portion of our proposals which referred to giving aid to the civil power.

In this connexion, inasmuch as reference has been made to proposals of the Prime Minister of India which did not materialize, I invite the attention of the members of the Security Council to certain other tentative, provisional undertakings arrived at between the representatives of the two Governments which we had hoped would materialize in a final agreement. I shall read from a document which is headed "Revised Draft Kashmir Agreement", a draft which was circulated to the Ministers of the Government of India who were proceeding to Lahore in the beginning of December 1947. The draft was sent to these Ministers by the Governor General of India. It begins as follows: "The Prime Minister and the Deputy Prime Minister of India, and the Prime Minister and Finance Minister of Pakistan, have held a series of discussions in Delhi and Lahore with a view to eliminating all sources of friction between the two Dominions. These discussions have been conducted in a most friendly and co-operative atmosphere. So far as Kashmir is concerned, the following were the agreed conclusions which have been reached by the two Dominions in consultations with the Government of Pakistan."

I should like to point out that this draft was sent to us to serve as a basis of discussion at the conferences which were about to take place in Lahore, and in order to enable us to continue the negotiations which had been interrupted at Delhi. The proposals were these: "(a) The normal situation shall be restored as quickly as possible. The first step to that end is

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that there should be a cessation of fighting. The Government of Pakistan have for their part undertaken to use all their influence to persuade the '*Azad* Kashmir' forces to cease fighting and the tribesmen to withdraw from Kashmir territory as quickly as possible. The Government of Pakistan have also undertaken to do their utmost to prevent any future incursions of tribesmen into Kashmir.

"The Government of India, for their part, have undertaken, as soon as fighting has ceased, to withdraw the bulk of their forces from Kashmir territory. Both Governments recognize, however, that, following on the upheaval in Kashmir, the resources of Kashmir State are not at present adequate to maintain law and order. They further recognize that the maintenance of law and order in Kashmir during the period which will elapse between the withdrawal of the bulk of the Indian forces and the holding of the plebiscite is essential if the plebiscite is to be free and unfettered. Accordingly, both Governments have agreed that small detachments of Indian troops of minimum strength to deal with disturbances in Kashmir, whether from outside or inside the State, will be established at certain selected points.

"Full information as to the strength and composition of these detachments and the points at which they are to be stationed, will be made available by the Government of India to the Government of Pakistan."

There are other clauses to this draft agreement. I have already said that, at the conference in Lahore which followed, it was found impossible to arrive at an agreement on this basis. India and Pakistan were unwilling to agree to the whole of the proposals which were contained in this document. At Lahore, Pakistan insisted that Indian troops should be entirely withdrawn. On the other hand, India questioned the right of Pakistan to be kept informed of the strength and location of the detachments of troops which it would have to maintain in this State. There were other differences, and the scheme failed.

It is quite significant that, at one stage of the talks, this question of retaining Indian troops—and Indian troops alone—

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in small detachments at different places, was a matter which was not entirely unacceptable to the Prime Minister of Pakistan. A distinguished friend of mine, who acted the part of peace-maker at these negotiations, has left on the record, with regard to this question of the retention of Indian troops in Kashmir under the terms which I have read to the Council, the following statement: "Mr. Liaquat Ali Khan asked that this formula might be placed on record in case it should prove useful."

In regard to the risks and dangers involved in withdrawing Indian troops from Kashmir, my colleague who spoke yesterday gave the Council a full idea. The representative of Pakistan said that our proposals left a gap between the stoppage of the infiltration of the tribesmen and the stoppage of the fighting. I do not know if he was serious in making this charge against us. Our first objective, we stated, was the stoppage of the fighting and the termination of military operations. Our next objective, we stated, was the restoration of peace and normal conditions. I do not know whether any gap can be discovered between the two objectives. If the idea was to suggest that we did not make any proposals which were likely to lead to the subsidence of the revolt in Kashmir, I think that the representative of Pakistan has done us an injustice. In our proposals we have always made definite suggestions for bringing about the restoration of peace and normal conditions.

In my previous remarks I have already referred to the steps to be taken for the establishment of a responsible Government in the State, and to the fact that, when those steps were taken, then the reason for the revolt, which in some parts of the State now exists, would be removed. Naturally, when the offending cause, from this point of view, is removed, the inducement for continued revolt ceases to exist and peace must necessarily be restored. I can see no gap at all.

The representative of Pakistan went on to describe our proposals as constituting a permanent military occupation of the State, because the object was to maintain troops of adequate strength to ensure not only protection from possible future attacks from the outside—a possibility which exists for any State all the time—but also for giving support to a civil power

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when required for the preservation of law and order, which was also a continuing necessity.

We were talking of the interim period; we said that these troops have to remain there during the period between the cessation of hostilities and the taking of the plebiscite for the two purposes which we have indicated in our scheme. If, when the plebiscite is taken, it results unfavourably for India, our troops, of course, will withdraw to a man. If the plebiscite results favourably for India, our troops will remain there, and they will perform the dual function which I have indicated in the scheme that has been placed before the Council.

I shall not refer to the other parts of the Pakistan representative's remarks. We listened with profound respect to the speech which was made by the representative of the United States at the 240th meeting. We are grateful for the light that he threw on one of the subtler points of controversy in international law.

I say we are grateful to him because it is difficult to disagree with much of what he said. But there are one or two aspects of his remarks to which I beg leave to draw the attention of the Security Council. Before doing that, I would refer to his observation wherein the following language appears:

> "How is it possible to induce the tribesmen to retire from Jammu and Kashmir without warfare and without driving them out? That is the only way it can be done, unless the tribesmen are satisfied that there is to be a fair plebiscite assured through an interim government that is in fact, and that has the appearance of being, non-partisan. Only by that method could one hope to have that retirement on a peaceful basis."

I wish to place before the members of the Security Council a somewhat different point of view. What is the status of these tribesmen, in relation to the State of Jammu and Kashmir, which enables them to demand that a plebiscite, to be taken for the purpose of deciding the question of accession to India or Pakistan, shall be taken in such a manner as will be considered satisfactory by them?

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I, for one, am unable to see the strength behind a position of this character. These tribesmen are separated from the State of Jammu and Kashmir by intervening Pakistan territory. They invade Kashmir for purposes which it is unnecessary to repeat. They come and fight; they loot; they commit arson; they do all sorts of things, and then they retire to their own country with all this loot.

Are people of this description, who invade Kashmir for criminal purposes, to be given the right to demand that something shall be done by Kashmir State authorities which will be acceptable to them; and to say, if it is not acceptable to them, that they will not retire? Of course, they will not retire so long as they see the prospect of being able to go to this beautiful land for the commission of crime. But if they have to be sent away, and they will not retire of their own accord, the proper policy in relation to these tribesmen is one of driving them out from the State of Jammu and Kashmir. That is one point of view which I would ask the Security Council seriously to consider.

I come next to the other interesting point in international law which was referred to by the representative of the United States. He states:

> "What the Security Council is faced with is the fact that two Members of the United Nations have come before it with an international problem. That problem involves the external sovereignty of Jammu and Kashmir."

I agree that, except in discharge of its responsibility for external affairs, India could not have come to the Security Council. But the further point that it attempted to make, namely, that the problem relating to accession was also a matter involving external sovereignty, is a proposition which it is not so easy to accept.

In this connexion, I would like to give a brief account of the manner in which sovereignty is divided in Indian States. Though Indian States were legally sovereign prior to 15 August 1947, the political sovereignty over them was exercised by the paramount power, namely, the British power. Many thinking statesmen in India expected that when the British parted with all

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their power in India, they would permit the paramount power exercised by them over Indian States also to depend on the authorities to whom power was transferred in India. For reasons best known to His Majesty's Government, this did not happen. It did not happen because, as I consider, their policy was guided by a very erroneous conception of sovereignty and paramountcy in Indian States.

The result was that they laid down the doctrine that when they parted with power in India, every Indian State—every one of the 562 States—became independent, so that after 15 August 1947 the Indian States were no longer protectorates under the paramountcy of a suzerain. They became entirely independent of any other authority. If they did not accede, they continued to be independent; if they acceded to either of the two Dominions, they became member States of a federation in which certain named subjects were added by the States to the federal Government. The sovereign powers with regard to those subjects were exercisable by the federal Government, the sovereign powers in regard to everything else continued to remain with the Indian States.

I have already quoted to the Security Council statements made by all leaders of opinion in India, including Mr. Jinnah, to the effect that the question of the accession or of the future government of any Indian State is a matter entirely for the people of the State concerned.

This will be so even after accession has taken place, because accession gives to the federal centre control only over the subjects of external affairs, defence and communications. Control of all the rest, barring some minor ancillary matters, remains with the Indian States. That being so, the decision on the question of accession and the taking of a plebiscite are matters which come within the ambit, not of external sovereignty, but of internal sovereignty. That is where I have found it somewhat difficult to follow the point made by the representative of the United States.

The fact that the Government of India agreed to a plebiscite being taken for the purpose of deciding the question of accession does not make the matter one which comes within

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the ambit of external sovereignty. In this connexion, let me quote the actual words used by Lord Mountbatten in his letter which was referred to by the representative of the United States. They read as follows:

> "...It is my Government's wish that as soon as law and order have been restored in Kashmir and its soil cleared of the invader, the question of the State's accession shall be settled by reference to the people."

That was the wish of the Government of India. What was indicated was that the Maharaja and his Government, in whose jurisdiction this matter lay, should implement that wish.

Of course, the other point is perfectly maintainable; namely, that if the person in whom sovereignty rests chose to delegate a portion of it to somebody else for a temporary period, that delegation would be perfectly valid. I concede that position, and the authorities quoted by the representative of the United States are quite apposite in that connexion. However, the point that I have tried to make is not about the legal competency of the Maharaja, his Government and people to invite an outside administration to come and run the State for a definite period; it is rather about their willingness to do so, and the propriety of a body like the Security Council asking them to do so. Sheikh Abdullah, who spoke yesterday, also had something important to say on that point which should have indicated the wishes of the people and of the Government of Kashmir.

If accession itself cannot be considered to fall within the sphere of external sovereignty, then the question of the proper internal constitution of the State can much less be said to fall within that sphere.

It is for those reasons that we have maintained that both the question of the future government of Kashmir and the question of its accession to either Dominion are matters requiring decision by the people of the State.

Having said that much, I now come to some of the statements which were made yesterday. In this connexion, I must acknowledge the helpful attitude which was taken by some of the speakers. The representative of China made suggestions

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which, I respectfully suggest, deserve serious consideration at the hands of the Security Council. The representative of France made one suggestion which, I think, tried to steer a middle course between establishing an outside administration during the interim period and continuing the present administration. His suggestion was that perhaps the most satisfactory course would be to include representatives of both the National Conference and the Muslim Conference in that interim government.

In that connexion, I would draw the attention of the Security Council to our own scheme set forth at the 236th meeting. Our scheme provides that before the plebiscite is taken, a national government, based upon a national legislature elected on the basis of adult suffrage, should be established. The national government formed under those circumstances must be a government which is acceptable to the people as a whole. If, in the formation of such a national government, and for the purpose of taking an impartial plebiscite, the legislature should consider that an all-party government should be established, it will be for those who will be in the legislature at that time, and for those who might be called upon to form a government at that time, to decide what should be done in the best interests of the State; and it is quite possible that, in such circumstances, the coalition idea would be worth convincing.

Sheikh Abdullah indicated yesterday that it should be his endeavour to draw all the people together in forming a strong government and conducting the administration in an impartial and efficient manner. However, what I particularly wish to stress is that the scheme which we have placed before the Security Council contemplates alternative methods of forming a government before the plebiscite is taken which should be satisfactory from all points of view.

I come now to the document submitted by the representative of Colombia at the 241st meeting. Until that document was presented I thought that ours was the only comprehensive scheme which would cover practically all points of controversy which the representative of the United Kingdom was so anxious that the Security Council should decide upon before we disperse.

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In fact, however, the Colombian scheme is also a comprehensive one, and tries to tackle all the points of controversy. While my delegation cannot agree with every one of the proposals contained therein, there are many with which we are happy to find ourselves in accord.

I should like to indicate what are our initial fractions to this comprehensive scheme. I shall deal first with the points mentioned under the word "finds". I do not wish to examine meticulously the wording of the preamble; that can come at the appropriate time if we do in fact decide to adopt a proposal of this kind.

After the word "finds", paragraph A speaks of the cessation of fighting and other acts of hostility as being of a particularly urgent character in the Jammu and Kashmir State. We are entirely in agreement with this, and I hope that the Security Council as a whole is in agreement with it.

Paragraph B speaks of the question of accession being referred to the people. Barring verbal amendments which, if necessary, I shall propose at the proper time, it seems to me that the substance of this paragraph is worthy of serious examination. It speaks of a plebiscite to be held under international auspices.

Paragraph C seems to go rather beyond the jurisdiction of the Security Council. It refers to the plebiscite as being a method of determining the future government of the Jammu and Kashmir State, but I do not think any suggestion has been made that the future government of the State should be determined by means of a plebiscite. Our own proposal is that a national assembly, elected on the basis of adult suffrage, should frame the constitution of the State.

Paragraph D refers to the interim administration, and in this connexion I should like to remove one possible cause of misunderstanding. In our scheme we contemplate an interim administration that would function in the period between now and the convocation of a national assembly. It is that interim government which we say should be a council of ministers headed by Sheikh Abdullah and comprising other ministers

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appointed by the Maharaja on Sheikh Abdullah's recommendation. But the government which would be in office at the time of the plebiscite would be a national government based upon a national legislature. We should, therefore, be willing to consider paragraph D if it were so modified as to indicate that the early establishment of a government reflecting the will of the people of the Jammu and Kashmir State is essential to the attainment of the aims and purposes of this scheme.

As for paragraph E, we would rather that it were omitted since it gives too wide a jurisdiction to the Commission to watch happenings of all kinds in the Jammu and Kashmir State and to make reports to the Security Council.

On the question of the strength of the Commission which was decided upon on 20 January [*document S/654*], I should like to reserve my opinion. If the Security Council is prepared to take up that matter, it can be discussed at greater length later on.

The delegation of India accepts, of course, paragraph 2 of the proposed resolution which reads: "The Security Council recommends to the Government of Pakistan to use all its efforts to persuade the tribesmen and all trespassers who have invaded the territory of Jammu and Kashmir State to withdraw therefrom", but we would amplify it in the direction we have indicated in our scheme.

Paragraph 3 of the memorandum speaks of the reorganization of the Emergency Administration on the advice of the Commission. We are unable to agree that the Commission should have any juridiction with regard to this matter. The further rider that adequate proportional representation should be given to the Muslim and non-Muslim groups of the population in the interim government is altogether unnecessary from our point of view. In Jammu and Kashmir we are trying to eliminate this communal division altogether, and while, with a view to achieving smoothness and giving satisfaction to the uneducated masses, the head of the administration who is called upon to form a government will give weight to the proportion of Muslims and non-Muslims in the State, the essential principle which I know will guide him will be

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adequate representation to different areas and interests without reference, necessarily, to communal divisions.

Paragraph 4 practically repeats portions of our scheme.

Paragraph 5 says: "The plebiscite...shall be organized under the advice of, and supervised by, the Commission of the Security Council."

Our own scheme was that the plebiscite should be organized and held under the advice and observation of persons appointed by the Security Council. We can have no objection to the Commission of the Security Council giving this advice and making this observation. We would not even object to the word "supervised", provided it did not carry the connotation with it that the Commission could exercise any functions of an executive character.

96. *Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 242 held on 6 February 1948*

I am very grateful to the Security Council for affording me this opportunity to comment on such of the points raised in the two speeches made on behalf of India yesterday afternoon and this morning as might require further clarification. I shall not try to repeat matters that have so far been made sufficiently clear to the Council, except in so far as it may be necessary to invite the attention of the Council to any aspect of the matters which might help to prevent any confusion arising as the result of what has recently been submitted.

For instance, Sheikh Abdullah, in his statement, appeared again to take the position that nothing of any moment had taken place of an objectionable character in the State until the raid of 22 October occurred. One would have thought it had been made sufficiently clear—and was, in any case, within his personal knowledge—that a good deal of that kind of thing had gone on before that particular incursion took place.

Sheikh Abdullah even went so far as to say—or, at least, very clearly to imply—that the disturbances in West Punjab in the months of August and September of last year started the

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trouble between West Punjab and East Punjab, another matter which, one would have thought, had been made sufficiently clear in the contrary direction.

Of that, he himself would have had no personal knowledge, as he was then, unfortunately, in gaol. But there can be no question that the August disturbances, so far as East and West Punjab were concerned, started with the massacre of Muslims in Patiala State and with the dynamiting of special trains carrying Government of Pakistan personnel from Delhi to Karachi. The disturbances then spread rapidly. Though the occurrences in West Punjab were of an equally deplorable character, they started as the result of the occurrences in East Punjab, by way of reprisal.

Let me return to the events in Kashmir. Sheikh Abdullah said that he suddenly woke up one morning and heard that there had been a raid at Muzaffarabad and that later on these disturbances spread to Baramula. That would have been the morning of 22 October.

The dramatic description may well be true, but it is necessary to add that Sheikh Abdullah woke up that morning not in Kashmir but in Delhi. He may have heard of the raid in that manner. But he should have heard, and later on should have known, that the whole of Poonch had been placed under martial law in August by the State and that the atrocities by the State troops in Poonch had started in September; and he should not have forgotten at least his own statement of 21 October made to the press in Delhi at a time before he could have wakened on the morning of 22 October to the news of this raid. A newspaper report of his remarks states: "Sheikh Abdullah said that the present troubles in Poonch...were caused by the unwise policy adopted by the State. The people of Poonch, who suffered under their local ruler and again the Kashmir Maharaja, the overlord of the Poonch ruler, had started a people's movement for the redress of the grievances." This statement was made on 21 October, before the raid, and refers to the movement as having been in progress for some time: "...had started a people's movement for the redress of their grievances." The article then goes on to report Sheikh

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Abdullah's remarks as follows: "It was not communal. Kashmir State sent its troops, and there was panic in Poonch. But most of the adult population of Poonch, he explained, were ex-servicemen in the Indian Army with close connexions with the people of Jhelum and Rawalpindi. They evacuated their women and children, crossed the frontier, and returned with arms supplied them by willing people. The present position was that the Kashmir State forces were forced to withdraw in certain areas." The whole matter was between the people of Kashmir and the forces of the Maharaja and has been going on for some time.

Sheikh Abdullah has tried to make the whole matter appear as though everything arose as the result of the raid on 22 October.

I shall not deal with every one of the allegations Sheikh Abdullah made or the pleas that he put forward. It was quite clear from his statement that he was putting forward a desperate plea, on his own behalf, that he was the head of the Emergency Administration in Kashmir; that by every possible means he intended to remain head; that he was looking forward to becoming Prime Minister, appointed by the Maharaja; and that, as he put it, no power on earth could, or at least should, displace him.

Sheikh Abdullah did give expression to some sentiments which would indicate how much impartiality and neutrality might be expected from an administration of which he continued to be the head.

He also tried to give a picture of the military situation in Kashmir which is somewhat different from the picture the Security Council had hitherto been invited to contemplate. For instance, the Security Council had been told that the movement inside Kashmir had received a certain amount of support, strength and stiffening from the tribesmen who had joined the people who were fighting in Kashmir. Sheikh Abdullah asked the Security Council yesterday to believe that these tribesmen could not be adequately dealt with by the Indian forces for this reason. They made raids and incursions into State territory—their number sometimes being as large as 5,000—but as

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soon as the Indian military arrived to deal with them, they ran back into Pakistan, at which point the Indian armed forces, being very scrupulous with regard to preserving their good relations with Pakistan and not desiring to trespass across the border, were unable to follow them.

That the Indian troops, particularly Indian airmen, have not been scrupulous in this matter, I have placed sufficient material before the Security Council in my earlier speeches to demonstrate. Several attempts were made from the air to bomb the Kohala Bridge, which is the property of the Pakistan Government and which connects the Kashmir State with Pakistan over the Jhelum River. Several bombings of Pakistan villages by the Indian air force have been made. With regard to some of them the Indian Government explained that the action had taken place by mistake.

Apart from this, if the trouble with regard to tribesmen is that they make raids and then run away, what about the people of Kashmir, who have not run away and go on advancing? It is not alleged with regard to the people who are carrying on this movement that they run away into Pakistan and hide themselves there. And that is the main trouble which the Indian forces have to settle. No reference was made to that situation by Sheikh Abdullah. The only trouble, apparently, concerns these raids which take place by tribesmen who then go back into Pakistan, raids which, according to Sheikh Abdullah, are preventing the restoration of peace, the stoppage of fighting, and the restoration of law and order within the State of Kashmir. After all, these raids could only be border incidents. But what about the movement inside the State? Is that not an admission that the real fighting with which the armed forces of India had to contend was the fighting which was being maintained by the people of Kashmir, to which Sheikh Abdullah had already referred in his statement of 21 October?

What treatment may such people expect from Sheikh Abdullah and from an administration of which he is the head? Whether that treatment would be just, fair, neutral and impartial, is for the members of the Security Council to determine. I shall not comment upon the degree to which he went in

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trying to demonstrate that, if he were not at the head of the administration, it would be impossible to secure any administration which would be neutral and impartial.

In his zeal in his own behalf, he committed—I would not say deliberately; perhaps he fell into it—what every Muslim and, as a matter of fact, every right-thinking person, would only describe as a blasphemy. It should be quite possible to ensure that, during the short interval which may be necessary between the cessation of violence and disorder, and the holding of the plebiscite, the head of the administration in Kashmir should be so neutral and impartial an authority that he would be so considered by everyone concerned.

After all, since when has Sheikh Abdullah become the head of the administration? Roughly, only since the beginning of November. Even now, as I pointed out the other day, the Prime Minister is not in Kashmir. Sheikh Abdullah has made this plea: Would the Security Council wish to deprive 4 million Kashmiris of their due share in the administration of their own country? No one has expressed any such desire. All that is suggested is that during the interim period the authority of the administration should be in impartial hands. In any case, how much of the share in the running of the administration has been given hitherto to the people of Kashmir by the Maharaja? He has always imported people from outside and placed them at the head of the administration. If, in the very attempt to secure that henceforth, permanently and forever, the people of Kashmir themselves shall take into their own hands the running of their own State—if in the attempt that that shall be fairly and impartially carried out, and that the foundations of such a system shall be so laid that it shall not be subject to frequent earthquakes—the device has to be resorted to, let us say for another three months, to have a person at the head of the administration not connected with either political party in Kashmir, then obviously, that device would represent no novel suggestion at all.

Sheikh Abdullah, however much in his own estimation, he may be the quintessence of the representation of his own people, has not been elected by the people or by any section of the

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people to be placed at the head of the administration. His being associated with the Prime Minister at this moment is the act of the Maharaja, at least on the surface, and if it is not the act of the Maharaja himself, unprompted by anyone from the outside, it has been done at the suggestion of the Prime Minister of India.

Whatever representative character Sheikh Abdullah may, in his own estimation, or in fact, occupy, until that character has been demonstrated through the exercise of the will of the people, he is today only the handpicked instrument of the Maharaja and is just one person and no more.

In that connexion, document No. 2, presented by the Indian delegation to the President of the Security Council at the 236th meeting, not only assumes but definitely makes the proposal that, in order to set up a representative interim government, the Maharaja shall immediately appoint Sheikh Abdullah Prime Minister—again, handpicked, and appoint a council of ministers on the advice of Sheikh Abdullah; and that that government, so selected and so appointed, shall proceed to take measures as a result of which a national government shall be set up.

The whole scheme is split up into stages, the object of it being that no plebiscite shall be held until the power and authority of the government headed by Sheikh Abdullah have been consolidated over the State of Kashmir. I submit that no scheme of that kind is likely to satisfy the people who are fighting for their liberty in Kashmir, nor will it have any influence over them in the way of persuading them to lay down arms, which should be, and is, the first declared objective of the Government of India—and indeed it is the objective of the Government of Pakistan and of everyone who is concerned with this dispute.

I shall now make brief comments on some points which have been raised this morning on behalf of India. The representative of India stated that, after I had made reference to the international obligations that might or might not arise over the present situation, I went on to deal with the origin of the Maharaja's rule and with the origin of the rule of his dynasty over Kashmir; and then I went on to quote from letters

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of the Agent to the Governor General and of the Governor General, himself. I admit I may have been remiss in concluding that portion of my remarks, without reference to the relevance which those letters had to the status of the Maharaja, the position that the Maharaja occupied, the nature of his sovereignty and what remedies were available against misrule, if it should continue. My object in quoting Lord Lawrence's letter was to show that, under the suzerainty of the paramount Power—the British—it was an essential condition of such protection and help as was given by the paramount Power that the ruler should behave properly towards his people and should discharge his obligations in a just and fair manner.

That letter leaves no doubt that, if the ruler failed in any of these respects, he could be set aside—as indeed has often happened in the history of British rule in India and in the history of the relationship of the paramount Power with the princes in India. There have been numerous instances where a prince has been set aside because he had failed in one or more of his obligations toward his subjects.

It is also clearly indicated in that letter that, when the paramount Power took up the obligation of rendering assistance to a rule against disturbances in the State, it had to insist upon the ruler's behaving, because, by the very fact that it had to insist upon the ruler's remaining in power, it was taking away from the subjects of the ruler the ordinary normal remedy which would have been open to them—that is to say, to rise against acts of tyranny and to set aside the rule of the Maharaja. It is clearly so indicated in that letter.

The conclusion from that is that, paramountcy having been withdrawn—and almost simultaneously with the withdrawal of paramountcy the Maharaja having started a campaign of atrocities and extermination of his subjects—the validity of his rule had ceased, and those subjects were now entitled, since there was no paramount Power there to make the Maharaja behave, to settle matters by themselves. The movement in Kashmir was a movement of that kind. These people had succeeded in breaking completely the forces of the Maharaja. As a matter of fact, quite large numbers of them have gone over to the

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insurgents and they are today fighting among them. The Maharaja's forces split. The Dogra troops were defeated and ran away. The Muslim troops joined the freedom movement, and the *Azad* Kashmir Government today exercises authority over eight of approximately thirteen districts of the Kashmir State. The Maharaja's authority has ceased to run Muzaffarabad, Poonch, Mirpur, Riasi and Gilgit, which is divided into two or three districts. They have set up a Provisional Government. They have asked for recognition of the Government as such. They are exercising *de facto* authority.

That being the state of affairs, it is a very delicate question—as I set forth in an earlier submission to the Security Council—to determine what, if any, international obligations arise out of the situation. It was for that reason that I said it was profitless to enter upon academic discussions of international obligations.

A too delicate probing of the situation may reveal that the Indian troops were in Kashmir to bolster tyranny and oppression; that the *Azad* Kashmir Government was fighting for the establishment of liberty and freedom. For the purpose of resolving the questions which are today before the Security Council, for the purpose of bringing about a settlement, for the purpose of stopping violence and disorder, and for the purpose of laying the foundations for something which might grow along beneficent lines, it will not be necessary, and it can serve no purpose today, to make a meticulous examination of what are the international obligations. That was my object in bringing to the notice of the Security Council the basis of the title of the Maharaja to the State of Kashmir, the tyranny that has always continued, the warnings which had been given to Rajah Gulab Singh and the conditions of sovereignty that were laid down and explained in the letter of the Governor General. However, I do apologize because, after I had quoted these documents, I did not make this aspect of the matter quite clear, so that the representative of India had to have a grievance to the effect that I started the matter on one basis, and then, towards the conclusion, left it hanging in the air.

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The representative of India went on to explain that the accession of Kashmir to India was not provisional, but he did say that it was accepted by India as the result of an emergency. He drew the attention of the Security Council to the telegram of 8 November from the Prime Minister of India to the Prime Minister of Pakistan. However, a careful study and perusal of that very document will put beyond doubt the crucial matters that are in controversy between the delegations of India and Pakistan. I do not think it will be necessary, once the significance of that telegram has been grasped, to press in aid any further juristic documents or conceptions in support of the proposals contained in our draft resolution of 27 January [*236th meeting*] and in support of the proposals that have been made by several members of the Security Council. Therefore, I beg to draw the Security Council's attention further to the contents of that telegram, and more particularly to the portions which have been read by the representative of India this morning.

Paragraph 4 of that telegram says: "In the last paragraph of your telegram, you say that Lord Mounthatten promised to let you know the views of the Indian Government to the proposals discussed between the two Governors General, but that you have heard no more about them."

Here again, it is necessary to set at rest one doubt that might have arisen as the result of Sheikh Abdullah's submission yesterday and the statement made today by the representative of India. The proposal first to settle the situation in Kashmir came from Pakistan, and I am not referring here to the attempts made before the situation had been clarified, but to those made even after the accession had been proclaimed.

The accession was announced on 27 October. On 28 October, the then Supreme Commander, Field Marshal Sir Claude Auchinleck, flew over from New Delhi to Lahore, where both the Governor General of India and the Prime Minister of India then were, both being ill; and he consulted with the Governor General of Pakistan as to whether there was any means of settling this matter amicably between the two Dominions.

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The Governor General of Pakistan first told the Supreme Commander that Pakistan not only had not been consulted with regard to this matter of the accession, but that no notice or indication had been given to Pakistan that this accession was under contemplation, was being offered, or had been accepted; but that, nevertheless, he was quite willing to make proposals on the basis of which the whole matter could even now be amicably settled. The proposals in question were the ones which I have already read to the members of the Security Council, namely, that the two Covernors General should be authorized by their respective Dominion Governments to issue a proclamation calling upon everyone who had come in from the outside to withdraw, and asking for a cessation of hostilities, giving 48 hours' notice that fighting should stop.

It was made clear that the Governor General of Pakistan had no authority over the forces of the *Azad* Kashmir Government or the tribesmen, but that it would be made perfectly clear in the proclamation that if fighting did not stop within 48 hours, the forces of Pakistan would join the forces of India to fight all those who were creating a disturbance or violence; that once violence and disorder had been stopped, the two Governors General should temporarily take over the administration and should arrange for a fair and impartial plebiscite, in order to enable the people of Kashmir to decide whether they would accede to Pakistan or to India.

This suggestion was made on 28 October 1947, and it was requested that Lord Mountbatten and the Prime Minister of India might come over to Lahore in order to discuss the details of how to put this scheme into effect. It was communicated to Lord Mountbatten over the telephone by the Supreme Commander, and he said he would be quite willing to come over and that he had no doubt the Prime Minister also would do so. Later on, however, information was sent over the telephone to the effect that the Prime Minister was ill and was unable to travel to Lahore, so that the proposed meeting, which was fixed for 29 October, was postponed to 1 November. Again on 1 November, the Prime Minister being unable to travel, the Governor General of India, Lord Mountbatten,

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came alone to Lahore in order to preside over a meeting of the Joint Defence Council. But while he was in Lahore, this proposal was communicated to him. He said that he would place it before his Government and would send a reply. It was because a grievance was raised by the Prime Minister of Pakistan, to the effect that no reply had so far been received and the situation was delicate, that this telegram deals with the matter. The telegram states:

> "In the last paragraph of your telegram you say that Lord Mountbatten promised to let you know the views of the Indian Government [with regard] to the proposals discussed between the two Governors General but that you have heard no more about them. On this point there seems to have been a misunderstanding. Lord Mountbatten on his return from Lahore gave me full account of his talk with Mr. Jinnah and in particular of the two important suggestions which had been discussed, namely:
>
> "(i) The withdrawal of Indian Dominion troops and men from Kashmir; and
>
> "(ii) The holding of a plebiscite at the earliest possible date.
>
> "As regards first proposal Lord Mountbatten told me that Mr. Jinnah desired that withdrawal of the Indian Dominion troops and tribesmen should be made simultaneously but that he (Lord Mountbatten) had pointed out that it was clearly impossible for the Indian troops to withdraw from Kashmir Valley until the raiders had left Kashmir soil and law and order had been restored in Kashmir."

There was no objection raised with regard to the principle of withdrawal; it was acceptable. The dispute was with regard to the arrangements as to the timing.

The telegram then continues with the second point raised and this is paragraph 7 of the telegram. I say that because, subsequently, this paragraph is referred to by number. It states:

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"Lord Mountbatten had also made it quite clear to Mr. Jinnah that the Government of India had no desire to retain troops in Kashmir for a moment longer than was necessary. As regards the second point, Lord Mountbatten reported that Mr. Jinnah had expressed the view that there was no hope of a fair plebiscite under the present Kashmir authorities...."

That was the second point, which is also under discussion here, namely, that Lord Mountbatten reported Mr. Jinnah had expressed the view that there was no hope of a fair plebiscite under the present Kashmir authorities.

The telegram continues: "To meet this point Lord Mountbatten had suggested that it should be continued under the auspices of the United Nations. The objection on behalf of the Governor General of Pakistan was that we could not hope to have an impartial and fair plebiscite under the present Kashmir authorities. The answer to this was: "Very good; then let it be conducted under the auspices of the United Nations."

No question of domestic sovereignty has been raised here. No question has been raised here as to whether it will be for the Maharaja to decide. As a matter of fact, all these developments are very recent, having occurred during this past week.

The telegram then continues: "Mr. Jinnah had put forward the counter-proposal that the two Governors General should be given plenary powers to settle the matter. Lord Mountbatten had pointed out that it would be constitutionally improper for him to undertake this duty." There was no constitutional impropriety or lack of jurisdiction so far as Kashmir was concerned. Lord Mountbatten said: "I am a constitutional head of a responsible Government, like the Governor General of any Dominion under the Commonwealth System. It would be constitutionally improper for me to take on duties of this character."

This was the only objection raised with regard to the two Governors General dealing with the matter. However, the answers to the two solutions put forward by Mr. Jinnah were:

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1. "As regards the withdrawal of troops, we do not wish to retain them there a moment more than necessary. However, we must be satisfied that those who have come from outside, and have joined in the trouble in Kashmir, have left Kashmir soil."

2. Mr. Jinnah said that there could be no fair plebiscite under the present Kashmir authority; and Lord Mountbatten said, "Very good. Well, then, let the plebiscite be conducted under the auspices of the United Nations." Mr. Jinnah said, "Why not under your authority as Governor General, provided the two Dominion Governments would vest us with that authority?" Lord Mountbatten said, "No, that is not feasible because, constitutionally, it is incompatible with my position."

That is how the situation stood when these matters were discussed on 1 November 1947 at Lahore by the two Governors General. No question was raised with regard to domestic jurisdiction or any other jurisdiction. Indeed, as was so forcibly pointed out by the representative of the United States at the 240th meeting of the Council, here is this matter of foreign affairs, of external jurisdiction. To which Dominion shall the State of Kashmir accede for the purposes of its foreign affairs, its defence and communications?

A dispute has arisen over that. The method by which that dispute is to be removed, how a just and fair settlement of the problem is to be arrived at, and what machinery is to be employed to put that settlement into effect, are parts of the same question. It is true that this dispute has arisen. It relates to external sovereignty or external affairs. The Security Council has full jurisdiction over this dispute. However, over the manner of settling this dispute, the Security Council has no jurisdiction. That is attempting a division which would stultify, in almost every case, all the efforts of the Security Council to settle any dispute between two States.

It was in the course of this telegram that, in paragraph 13, the following was said:

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"As regards proposal number 3 in your telegram of November 6"—that was with regard to the fairness of the plebiscite—"we entirely endorse Lord Mountbatten's view (*vide* paragraph No. 7 above)."

So the Prime Minister of India endorsed Lord Mountbatten's view. He agreed to that. Then he stated the following:

"It will thus be seen that our proposals, which we have repeatedly stated, are:

"1. That the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir."

The Government of Pakistan, since 28 October 1947, has repeatedly and publicly stated that it will do its utmost to persuade the raiders to withdraw from Kashmir provided a settlement has been arrived at. If persuasion should fail, it will do its utmost to compel the raiders to withdraw.

"2. That the Government of India should repeat their declaration that they will withdraw their troops from Kashmir soil as soon as raiders have withdrawn and law and order are restored."

Well, now, if it is only a question of the timing of the withdrawal on either side, that is one of the functions which the Commission, which has already been decided upon by the Security Council, will perform. That Commission can formulate provisions on the details of the withdrawal.

"3. That the Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date."

Here are three elements in this proposal which clearly indicate what was then contemplated. In the first place, there is a joint request to be made by India and Pakistan to the

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United Nations. There is no question of jurisdiction in that request. In the second place, the request is that the United Nations shall undertake the plebiscite. Why? This is the answer to Mr. Jinnah's charge that there was no hope of a fair plebiscite being held under the present Kashmir authorities. The answer to meet this objection was: "We shall request the United Nations to undertake the plebiscite so that there is no question of its being fair and impartial. It shall not be held under the present Kashmir authorities, but shall be undertaken by the United Nations." The two things are in juxtaposition.

In the third place, this plebiscite is to be held at the earliest possible date. Now in respect of all these three matters, difficulties are being raised—there are questions of sovereignty concerned; there are questions of jurisdiction concerned; then, we can agree to somebody watching or supervising, but we cannot agree to the plebiscite being undertaken by the United Nations. Yet, the suggested solution solved that very difficulty: that if a plebiscite were held under the present Kashmir authorities, it would not be fair and impartial. The answer is not, "Why should it not be? Arrangement will be made that it should be. The authorities will be neutral." The objection is admitted as fair, and the answer is that the plebiscite shall be undertaken by the United Nations, and it shall be undertaken after the trouble has ceased. After the trouble has ceased, the Indian troops will not remain on Kashmir soil for a moment longer. Indeed, the proposals go together.

Now the suggestion is: "Well, even after the trouble has ceased, in order to aid the civil authority, troops must be there during the plebiscite." How does that accord with what was being discussed then?

As I have already mentioned, the third provision is that the plebiscite shall be held at the earliest possible date. It is recognized that this provision is the main matter in dispute between the two parties, and, therefore, it must be settled at the earliest possible date.

Now we are told, first, that Pakistan should do this and that; next, that we shall deal with the trouble inside Kashmir and terminate hostilities; next, the restoration of law and order

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[is called for]; and, finally, an invitation to people to return, which may take six months.

Then, the Maharaja would immediately set up a government with Sheikh Abdullah at its head, and would form a council of ministers appointed on the recommendation of Sheikh Abdullah. That government would take steps to have a national convention summoned. It would then be the business of that national convention to set up a national government, and it is that national government which would proceed to hold the plebiscite.

Does that accord with the "earliest possible date", or with the anxiety to settle this matter as soon as possible so that tension and suspicion should cease, or with the whole cluster of problems and questions which give rise to daily friction?

The whole object is to set up an administration with Sheikh Abdullah at its head; to enable that administration, by various steps, to consolidate itself in Kashmir; to have time to do so; and then to hold the plebiscite under that administration, although United Nations observers might come at the moment of taking the plebiscite itself—the recording of votes and the poling—to see that no pressure is being exerted upon anyone.

Then the argument was advanced that there was no question of whether any accession was provisional or final, and that "provisional" and "final" were terms which had been used loosely by the newspapers. As a matter of fact, it was contended, all accessions are final, but as this one particular accession took place in the face of an emergency, "We announce that we shall be prepared to release Kashmir from its accession should the verdict of its people not ratify accession to India."

In this connexion I would again draw attention to paragraph 15 of the telegram to which I have already referred, and which reads:

> "The above conclusions relate only to Kashmir, but it is essential in order to restore good relations between the two Dominions that there should be acceptance of the principle that where the ruler of a State does not belong to community to which the majority of his subjects belong, and

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where the State has not acceded to that Dominion whose majority community is the same as the State's, the question whether the State has finally acceded to one or other of the Dominions should be ascertained by reference to the will of the people."

To get down to rock bottom and away from any kind of camouflage—although I do not imply that this paragraph attempts any—I should explain that the situation was this. In the case of by far the greater part of the Indian States the majority of the population and the ruler himself belonged to the same community, so that this particular difficulty was not foreseen. However, in the case of some States—quite important ones among them—the ruler belonged to one community and the people to another. Kashmir is one such instance where the ruler is a Hindu and the majority of the people Muslims, but there are other States, Junagadh being an example, where the situation is the same. Obviously it was States such as Junagadh, and others like it, which were in the mind of the Prime Minister of India when he said, "We accept this principle with regard to Kashmir but we also ask that it shall be applied to other States"—in other words, States where the ruler is a Muslim and the majority of his people are Hindus. It is obvious that in such cases they did not recognize the accessions which had taken place or which might take place. The question of the final accession must depend upon the expression of the will of the people. That is a clear interpretation of the telegram.

After that telegram it is pointless to pretend today that the necessity for troops must continue, on this, that and the other pretext, until after the plebiscite has been held. "If," it is said, "the result of the plebiscite is a decision that Kashmir shall accede to Pakistan, we shall, on necessity, withdraw our troops. But if the plebiscite goes in favour of India then that is a matter between Kashmir and ourselves, because defence will be one of the questions covered by the accession, and if the troops are necessary they can be maintained there." Nothing of the kind contemplated in the telegram for the settlement of the dispute is adhered to at all.

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With regard to the administration, it is clearly accepted here that the objection of the Governor General of Pakistan is accepted, and an alternative is proposed. This alternative, however, is rejected on the ground that the Governor General of the Dominion of India would be in a constitutional difficulty if the plan it suggests were carried out.

The Indian alternative, however, is this. They reply: "You say that the plebiscite should not be held under the authority of the present Kashmir Government but under that of the two Governors General. That is difficult and we cannot accept the suggestion. What we propose is that it should be held under the authority of the United Nations, and that we should both request the United Nations to undertake the task of holding a plebiscite." Where is there any room for doubt?

The representative of India went on to express his feeling of satisfaction that some progress had been made during yesterday's debate towards a settlement. I am glad that he feels that progress is being made. He voiced the hope that a settlement might possibly be reached by mutual agreement, and I join in that hope, but his analysis of the memorandum presented by the representative of Colombia—at least, as far as he has gone, because he reserved his opinion on some points—indicates that the only features in it which he considers satisfactory are those which are in accord with the document which he himself submitted to the President on 27 January [*236th meeting*]. I do not quarrel with that. Obviously, those were the parts which were bound to be satisfactory to his delegation, but the whole question has to be settled on the basis of the considerations which have already been stressed by various members of the Security Council.

It is not a question merely of stopping the infiltration of tribesmen; it is a question of settling two outstanding matters. One of these is to satisfy the people of Kashmir, who have taken up arms under the circumstances that have been detailed, that they may now safely lay down their arms because they are assured of honour, of safety, of non-persecution; that they, along with all the inhabitants of Kashmir, can decide the question of accession as soon as they wish; and that they will

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ultimately be able to decide the constitutional forms of their own government. The second matter to be settled is that Pakistan should be satisfied that the question of the choice of Kashmir with regard to accession to Pakistan or to India will be fairly and impartially determined.

If these two matters were settled, Pakistan would then use all its persuasive and moral means and if, unfortunately, need should arise, even military means—to convince the tribesmen—and we hope it will not be necessary to do more than that—that they, as the co-religionists of the majority population of Kashmir, need entertain no fear with regard to their extermination, with regard to their oppression and with regard to their being forced to do something that they do not want to do; and that, under this settlement, not only Pakistan, but the Security Council as the guarantor, will see that everything shall be done in a fair and impartial manner.

That is the only way of settling the dispute between the two Dominions, as well as between the Government of India and the people of Kashmir, the Government of Kashmir and the people of Kashmir, Sheikh Abdullah and the people of Kashmir, and whoever else may be interested in this matter.

We reserve such comments as may be necessary, with regard to the various proposals that are under the consideration of the Security Council, until such time as the proposals themselves are under discussion, either between the parties under the guidance of the President, or when they are being taken into consideration specifically by the Security Council.

97. *Text of the Speech made by Mr. Noel Baker (UK) in the Security Council Meeting No. 243 held on 10 February 1948*

I have come to the conclusion that, while of course the statement of the President is not more than an outline, nevertheless, it is a faithful translation into broad principles of the way in which the Security Council thinks—that we ought to proceed towards a settlement of the difficult, dangerous and immensely important question of Kashmir. When I say that it is only an

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outline, perhaps I may illustrate what I mean by reference to sub-paragraph (a) following Alternative B of the document submitted by the President, which states: "Acts of violence and hostility must end."

Therefore, I hope that the President and the Rapporteur may be able to do that in the intervening time. I think it would be of general advantage if they could. I say that with more confidence because my Government adheres very strongly to the view that much the best chance of getting a real settlement of this matter—and by that I do not mean a temporary stoppage of hostilities; I mean taking this out of the politics of the sub-continent so that India and Pakistan are never again in difference about the problem of Kashmir, but that on the contrary, full confidence and co-operation are established between them—is, as I have said before, that we should make a plan here in the Security Council itself and make it the primary duty of the Commission, which I hope will be established very soon, to apply that decision when it gets out to the sub-continent.

98. Text of the Speech made by Mr. Gopalaswami Ayyangar (India) in the Security Council Meeting No. 243 held on 10 February 1948

I should like to express my apologies to the Security Council for having felt compelled—both for my own part and under instructions from my Government in India to apply for a postponement of the consideration of the Jammu and Kashmir question. Let me at once give an assurance that we are not by any means now withdrawing this question from the consideration of the Security Council. We have reached a stage in the consideration of this matter when we think that certain trends of opinion in the Security Council have developed in such a way that they raise points which my Government and I feel we should discuss in detail between overselves before our final attitude towards those trends can be shaped.

I say "trends" advisedly. I am free to say that in the draft resolution which the President handed to us on the evening of 6 February, he and the Rapporteur had done their best to translate these trends of opinion into words as they found

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expression in the speeches of members of the Security Council. There are, however, one or two matters to which I should draw attention before anyone runs away with the impression that those trends represent the opinion of all the members of the Security Council, or even that what is contained in the draft resolution represents the final opinion of those representatives who have spoken during the debate.

I have been assured time and again, both in the Security Council and outside, that there has been no prejudgment of any of the issues arising for consideration. That is why I was careful to describe what has been translated into this draft resolution as merely an expression of the trends of opinion so far voiced. At that stage I found that we had to formulate our views in relation to those trends, and to take note of the resolution in all its aspects and implications. But before such formulation, the Indian delegation feels bound to discuss the matter fully with its Government.

There are three or four points to which I should like to draw attention in order to indicate that this decision—a decision to which I had to come after a great deal of hesitation and regret —has been taken after the fullest consideration of all that has been said here.

Something has been said of the insistence I have laid throughout on the urgency and the immediacy of finding a solution for this trouble. Why is it, I have been asked, that I have now requested a postponement of the consideration of this question? I am constrained to tell the Security Council that it is because I feel that the trend of opinion in the Security Council has not adequately appreciated the urgency and the immediacy of the solution of this problem, and that this trend has gone on to consider problems which, if not altogether irrelevant to the main issue, could certainly have waited for consideration for a considerable time. Because of that fact, I have come to the conclusion that, in tackling the less immediate and less urgent problems that are being dealt with by resolutions of the kind that were handed over to us, it is necessary that we should consider them at our leisure and with a full appreciation of all the factors entering into the solution of this problem.

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I have asked again and again for immediate action calculated to stop the fighting in Kashmir. I have been very ably supported by the representative of the United Kingdom and by one or two others as well; but my complaint, if the representative of the United Kingdom will forgive me for saying so, is that, while he has appreciated the urgency and immediacy of stopping the fighting, when it came to the consideration of concrete steps, he concentrated rather on the steps which could certainly afford to wait, and wanted us to consider and to find solutions for them first before he would concede our request that Pakistan should be called upon to take immediate steps to stop the help and the assistance that the raiders now receive from the Pakistan area.

True, if we did solve the ultimate, long-range problem and became friends and embraced each other, we should certainly stop the fighting today. But before we solve that long-range problem and proceed to embrace each other, we should at least lay down our arms and cease fighting with each other. I say "with each other"; our case is that Pakistan has helped the raiders and the rebels in Kashmir. But even if that requires proof on the spot, I venture to say that there is enough material —which I attempted to prove to the members the other day— to show that the raiders and rebels have received assistance and encouragement from the territory of Pakistan which no Government in charge of Pakistan, as a friendly neighbour, should allow to be given.

I have asked that this assistance should be stopped. That main issue of ours, the issue with which we came here on 1 January, has been drowned in a sea of other issues, many of which are irrelevant to the consideration of it, and others of which certainly can afford to wait till fighting has stopped and we have leisure to consider problems which require leisurely consideration.

That is our complaint. I found it was impossible, in the present trend of majority opinion in the Security Council, for me to get the Security Council to issue a directive to Pakistan at once that it should stop its assistance. What is this assistance? We have, in my mother tongue, the Tamil language, a

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proverb which says "It is not an easy matter to conceal a pumpkin in a bowl of rice". The pumpkin will not be contained in a bowl of rice; it will show up at different points, frequently and at moments when one least anticipates it.

That is what is happening. The assistance which is being given is being demonstrated every day at a number of different points on the border between Kashmir and Pakistan. Only Friday last we had something like 14,000 of these raiders and rebels, according to a *communique* of our Defence Ministry, attacking our forces at a place called Naoshera. Nobody who knows the place imagines that this force could have been gathered and equipped with arms to go to attack a modernly equipped army like the Indian Army at something like a cantonment, as Naoshera is. These happenings are self-revealing. There have been raids on the lines of communication which are occurring every day.

In spite of all this, I found it impossible to persuade the Security Council that the first step to take was to stop the assistance being given the raiders. There has been a breach of international obligation, and yet an international body like this will not issue the directive which anybody would expect it to issue.

In the circumstances, that conviction having been forced upon me, what was left for me to consider in the Security Council were the long-term issues. Under the long-term issues, propositions have been put forward which, as we are at present advised, it is impossible for my delegation or my Government to accept.

I shall give an indication of these basic points. For example, one of the points that have been suggested in this trend of opinion is that the Administration which is now running the State must be replaced by an outside and neutral administration. I shall not proceed to argue this point at this stage, but I am only indicating the points which we are unable to accept at the present moment. We are not prepared to agree to the existing Emergency Administration being replaced by another, either at once or after being converted into a council of ministers with Sheikh Mohammad Abdullah as Prime Minister. That

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Administration has to be there till a national government, based upon a national assembly—for which our scheme provides—has come into existence. It is under that national government that we said the plebiscite should be taken. That is one point.

The second suggestion that has been made in some of the speeches is that the Indian Army should withdraw as soon as the fighting ceases. That is a matter which we are not prepared to accept at the present moment. Why? I shall refer to two or three precedents in this connexion which will perhaps enable the members of the Security Council to realize why we say so.

Why is it that the United States of America will not immediately withdraw its troops from Korea? It is because that country is convinced—it says so—that if those troops are withdrawn, the country will be prey to anarchy and chaos. That is the reason why we cannot withdraw the Indian Army even after fighting stops. There is another reason, a stronger reason for India's case than for the case of the United States of America in Korea. Kashmir today is part of Indian territory. India is responsible for its defence and India cannot abdicate its defence obligations and withdraw its army from a frontier area of Indian territory.

Let us take even a case like Palestine. British forces are there and the Mandate will continue until some time next May. When a proposal is made that the United Nations Palestine Commission should go there and recruit a militia so as to be ready to take over when the British Army departs, there is objection. Why? I believe it is because the United Kingdom thinks that as long as it is the mandatory Power no one else should share with it the right and obligation of the defence of Palestine.

Is it wrong for India to ask that when Kashmir is part of its territory, India should be responsible for Kashmir's defence and, therefore, its armies should remain there until a plebiscite is taken and that plebiscite goes against India? If the plebiscite goes against India, the Indian Army will no doubt be withdrawn to a man. That is one point I wish to make. Then, latterly—and that is one of the points which have found their way into this draft resolution—it is suggested that for the purpose of

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maintaining law and order in the State of Jammu and Kashmir after fighting ceases, and perhaps even in helping to drive out raiders from Jammu and Kashmir, the armies of India and Pakistan should combine and take joint action. It is being solemnly suggested to India that it should invite Pakistan to send their forces into Kashmir to co-operate with the Indian Army in the maintenance of law and order.

The Indian Army went there on a request from the people of Kashmir because raiders, helped by Pakistan and Pakistan Army personnel, were coming from outside and were trying to destroy their country, and therefore, India went to their aid. Now it is solemnly suggested to us that we should invite the Pakistan army into the State of Jammu and Kashmir for the purpose of maintaining law and order. Is it reasonable that we should be asked to do that at this stage?

We have conceded the position that the people of Kashmir should be free to choose between India and Pakistan by means of a plebiscite. If that plebiscite goes in favour of Pakistan, then the Pakistan Army needs no invitation; it can walk into Jammu and Kashmir, and we shall walk out. Why should we be asked at this stage to invite people who we believe are actively helping raiders and rebels; why should we invite the army of that State into the State of Jammu and Kashmir?

As regards the plebiscite, our position has been made perfectly clear to the members of the Security Council on a previous occasion. We agree to a plebiscite; we agree to its being under international auspices, but the international auspices we are willing to agree to are only to the extent of having the Security Council give advice and guidance to the Kashmir Government in the organization and holding of that plebiscite and to having the Security Council send observers to see how that plebiscite is conducted. We are not prepared to go beyond that at the present moment.

The suggestion that is made in this draft resolution is that the plebiscite should be "held and supervised under the authority of the Security Council." I shall have to explain at some length why we are unable to accept the use of this word

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"authority". We agree to "observation" and even to "supervision", if it does not mean any attempt to exercise executive authority inside the State of Jammu and Kashmir. Those are the basic points on which we find that the trend of opinion, as expressed, does not seem to be in sympathy with our contentions.

If we are to proceed further in this matter, it is necessary for us, as a delegation, to go back and have discussions with our own Government in order to come to a final conclusion as to what our attitude should be in regard to these matters.

In the course of the remarks that followed from those members who have spoken, it was suggested that this item should continue on the agenda of the Security Council. Of course it will. We are only asking for an adjournment. If I am to indicate the time we shall probably require in order to return and resume the discussion, I should suggest, if the members of the Security Council are prepared to accept it, that we might adjourn to a date between 15 and 20 March.

A statement has been made that perhaps it would be unnecessary to have the whole delegation go back and that it would be desirable to have some members of the delegation left behind in order to deal with emergent questions that may crop up in connexion with Jammu and Kashmir during the interval. As long as this item is on the agenda, India is under an obligation to see that any inquiries made in regard to any emergent situations are answered by someone who has full authority to speak in the name of India. If it so happens that the Security Council holds a meeting for the purpose of discussing any such emergent situation, India certainly will make arrangements to be properly represented at such a meeting.

We have at the Headquarters of the United Nations a permanent representative of our own, and we shall clothe him with sufficient authority to speak with full responsibility for India when such a situation does arise. The question of whether any one of the present members of the delegation should be left behind, or somebody else should represent India at such meetings or on such occasions, is—I hope the Security Council will agree—an internal matter to be settled by our Government.

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We shall do the best we can in order to see that the Security Council's work in connexion with the Jammu and Kashmir question, should any such emergency arise, is not inconvenienced thereby.

There was some reference made to the appointment of the members of the Commission which was decided upon at the 230th meeting on 20 January 1948 [*document S/654*]. The President of the Security Council put the same question to me over the telephone yesterday. I think—if I remember rightly —I told him that I was quite prepared to submit my nomination to him at the Security Council meeting today. I am quite prepared to do so now. Of course, actually, the nomination should be sent to the Secretary-General. However, I have with me a letter signed by myself to the Secretary-General, and another copy which is to be handed over to the President of the Security Council, and I shall do so. I hope—as I said in my telephone conversation with the President—that the Pakistan delegation is also making its nomination today.

I should now like to deal with one or two statements made by the representative of the United Kingdom, to which I should like only to make a passing reference. The representative of the United Kingdom referred to item 4 (*a*), under alternative A, of the draft resolution [*document S/667*], which reads, "Acts of violence and hostility must end." With great respect to the President and the Rapporteur, I feel it is hardly necessary for us to have a resolution stating a thing like that in those broad terms. There is no need for us to have a resolution of that sort.

What we are here to consider is: How are these acts of hostility and violence to be made to end? With respect to that, the only guidance we have in this resolution states that the two Governments "...in seeking a solution by negotiation under the auspices of the Council, have agreed to co-operate with each other and with the Council in developing"—that is to say, in the future—"specific proposals, and, to this end, to apply the following principles...."

On the occasion when the President handed this draft resolution to me, all I tried to persuade him of was that we

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had spent about a month in talking about generalities. Let us come to brass tacks; let us consider concrete proposals; let us sit down from day to day, hour after hour for the next four or five days and formulate concrete action to be taken. That would be time well spent. However, if we now are going to discuss merely general principles of this sort, get them through the Security Council, and later on begin to sit in order to consider concrete steps—in themselves matters which will involve points of controversy—I said that after spending the month, we should look forward to spending another one or two months before we could arrive at anything really worth doing. That was my main objection.

The other point—in connexion with the same thing, to which the representative of the United Kingdom made reference—is that even in regard to this matter about stoppage of violence and acts of hostility, India herself has been insisting upon that, and saying that when a settlement is made, Pakistan should take steps to end the fighting. My whole difference with the representative of the United Kingdom has been that the steps to be taken for the stoppage of the fighting should be taken immediately and that the settlement of the more leisurely questions might come later. I have never agreed to the proposition that Pakistan should take the steps only after we have disposed of every item of the problem, including the long-range problem. That, as I said in one of my very early speeches, would have been to put the cart before the horse.

Apparently, I cannot get anything done here for the purpose of stopping the fighting that is going on from day to day. I have only to discuss with the Security Council those aspects of the question which will require time to settle and which will really have to be commenced, before being put into action, months after the fighting has stopped.

99. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 244 held on 11 February 1948

Before I submit observations to the Security Council this

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morning, I wish to call attention to a press report which appeared yesterday morning in the *New York Times*, which, if not explained, might occasion some misapprehension. The press report appeared under the heading, "Deferment urged on Kashmir Issue." The sub-title of the press report is "India, with Pakistan agreed, will ask Council to put off Question indefinitely". The sub-title is incorrect, at least to the extent that it states that India, "with Pakistan agreed", will ask the Council for an adjournment. Pakistan has expressed no agreement.

The news item itself, which is dated 9 February 1948, states: "The United Nations Security Council will be asked tomorrow by India, with Pakistan concurring, to postpone consideration of the Kashmir question indefinitely, it was reliably reported here tonight." Again the reference to Pakistan is incorrect. Pakistan did not concur.

The news item then adds: "Following an informal meeting in New York earlier today"—that is 9 February 1948—"between Sir Mohammed Zafrullah Khan, Pakistan's Foreign Minister, and N. Gopalaswami Ayyangar, representative for India." Well, that is incorrect. There was no meeting, either formal or informal, between Mr. Gopalaswami Ayyangar and myself on 9 February 1948, and we did not even have a telephone conversation about the matter.

The article continues: "...It was learned that the Council Chairman, Canada's General A. G. L. McNaughton, who is mediating at the private sessions being held by the two countries in an attempt to iron out their differences, took under advisement a formal proposal to put the case off." That is between the President and the Indian delegation, but Pakistan had nothing to do with it.

The news item then continues: "According to reports emanating from the closed chamber..." —if it was meant that there was a closed or an open chamber meeting on 9 February, I have already submitted that it is incorrect—"...the two delegation chiefs have agreed to ask for an indefinite deferment so that they can return to their countries and confer at length with their Governments concerning the long stalemate in the negotiations at Lake Success."

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I have already submitted that I, on my side, have no information with regard to this request, except that conveyed by the President.

The news item then continues: "It is understood that the original proposal to defer further debate here on the three-week old dispute came from Mr. Ayyangar for India, but that quick concurrence came from Sir Zafrullah." That again is incorrect. Neither quick nor slow concurrence came from me. As a matter of fact, I shall immediately submit the point of view of my delegation on the adjournment requested.

It then states: "Tonight, however, officials of both delegations refused to comment under orders from their chiefs to maintain tight secrecy until the Council meeting tomorrow afternoon."

Immediately thereafter, we are informed that: "One spokesman for the Pakistan delegation expressed surprise at the report of the deferment request...." The world is warned that officials of both delegations refused to comment and then we are given something on the authority of a spokesman. "...and emphasized that India had been urging from the first for quick action on Kashmir. He added, however, that if India made such a request before the Council, 'undoubtedly' Sir Zafrullah would be very willing to return to Karachi to take up pressing affairs which have been neglected since the Foreign Minister arrived here."

I am thankful for the suggestion and for being reminded of my duties in Karachi, but I have taken great pains to check up with every member of our delegation and every member of our staff, and not one of them has been in communication with the press with regard to this matter, so this is wholly incorrect. I have taken the time of the Security Council to point this out since, in the absence of any indication as to whether the report was or was not correct, the members of the Security Council might have been puzzled with regard to what I am going to submit.

It is only fair to add that the following appears in today's issue of the *New York Times*: "Meanwhile, the Pakistani delegation announced that it was not in favour of putting off the Kashmir case. Sir Mohammed Zafrullah Khan, Pakistani

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Foreign Minister, did not get a chance to speak today but told the press that his country felt that the dispute over the fighting in the Princely State and the question of its future should be settled as quickly as possible."

It was explained to the press, in addition, that the items to which I have drawn attention were incorrect. However, it is for the press to correct or not to correct any mistake into which it may have fallen. I thought it was my duty to the Security Council to explain what the situation was.

With regard to the request for adjournment by the delegation of India, it is not only a matter of great embarrassment to us, but we were considerably upset, having regard to the stage which has been reached on these questions before the Security Council, when we learned that the delegation of India felt itself to be under the necessity of having to go to India at this stage, and was preferring a request to the Security Council for adjournment of the matter.

The situation which exists between India and Pakistan with reference to the Kashmir question as well as to the other questions that we have raised in our documents, is delicate in the extreme. In some of its aspects it is even explosive, and we had hoped that the deliberations of the Security Council with regard to these matters would be continued without interruption until the structure of a settlement—as was expressed by the representative of the United Kingdom—had been built and could then be put into effect.

Indeed, one was encouraged and cheered by the final observations which fell from the lips of the representative of India during the 242nd meeting of the Security Council, held on Friday, 6 February, when he said that having regard to the views that had been expressed that afternoon in the Security Council, he now had better hopes of arriving at an agreement. This intimation that on Sunday, 8 February, he had asked for an adjournment [*document S/668*] was, to say the least, extremely disappointing after one's hopes had been raised with regard to the early possibility of a settlement.

The representative of India, when making a submission yesterday, gave expression to his disappointment, which

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appeared to amount almost to a grievance, that the Security Council had not shown great eagerness or sense of urgency in dealing with what he thought were the urgent and immediate aspects of the question.

This is not our feeling. We feel that the Security Council, to start with, has been extremely indulgent with both parties in affording them ample, even generous, opportunities for presenting their cases and their different points of view, although the presentations very often involved what might have appeared to the members of the Security Council as wearisome repetitions.

Secondly, we are conscious that, not only inside the Security Council but even outside, members of the Security Council have devoted a good deal of their time and their anxious consideration to these matters. It must be recognized that, as must indeed be the case with almost every matter that comes before them, they have had to deal with a very delicate situation. Subject to their concern that nothing done or said by them should make the actual situation any worse, one has not only not noted—if one might say so without impertinence—any slackness on the part of the Security Council to deal with this matter, but, indeed, eagerness and dispatch in an anxiety that the situation should be speedily, fairly and justly resolved. One must give expression to one's gratitude with regard to that, whatever one's views may be with regard to the specific proposals that may have come up for discussion or may have been laid before the Security Council.

One thing is that India's sense of grievance arises from its own insistence that the problem now before the Security Council must be viewed from only one angle, that angle being the angle from which India views it; and that the consideration of the problem should be limited to only one aspect, that aspect being the aspect which India considers most urgent, with the consequence that India insists that only that solution of the problem should be adopted which appears to indicate to it the solution which it is seeking to this problem.

The delegation of India has refused throughout to look at the problem as a whole, and has refused to appreciate that the object should be to arrive at a settlement. They forget that the

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whole problem of the restoration of peace in Kashmir, and the restoration of friendly relations between India and Pakistan, is before the Security Council.

Even the problem of Kashmir has been raised before the Security Council not by India alone but by both India and Pakistan. I would beg to invite the attention of the Security Council in this connexion to document II, which we submitted along with our letter of 15 January [*document S/646*]. Part C of that document, in its different paragraphs, sets out the Pakistan case with regard to Kashmir, although the details are set out in document III. In document II, the different points of section 4 deal with what the Security Council is requested to do in connexion with these matters. Section 4 says:

"The Pakistan Government request the Security Council:

"1. To call upon the Government of India..." to do certain things.

"2. To appoint a Commission or Commissions...

.....

"(e) To arrange for the cessation of fighting in the State of Jammu and Kashmir; the withdrawal of all outsiders, whether belonging to Pakistan or the Indian Union, including members of the armed forces of the Indian Union; the restoration and rehabilitation of all Muslim residents of the Jammu and Kashmir State as on 15 August 1947, who have been compelled to leave the State as a result of the tragic events since that date, and the payment to them by the Indian Union of due compensation for the damage and injuries suffered by them; to take steps for the establishment of an impartial and independent administration in the State of Jammu and Kashmir, fully representative of the people of that State, and thereafter to hold a plebiscite to ascertain the free and unfettered will of the people of the Jammu and Kashmir State as to whether the State shall accede to Pakistan or to India...."

This is the request of the Pakistan Government to the Security Council with regard to the question of Kashmir alone.

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There are several other matters dealt with in our documents to which I shall draw attention later this morning. But, as I was submitting, the Indian delegation has refused to consider that there is anything before the Security Council except its request that a directive should be issued to Pakistan to do this, that, and the other thing, and to refrain from doing this, that, and the other thing. It is because the Indian delegation views the question only in that limited aspect that it has a sense of grievance that the urgency and the immediacy of the problem have not been appreciated by the Security Council. But even if it were not a fact that Pakistan itself has also raised the question of Kashmir before the Security Council, even if the reference before the Security Council were confined to the Indian reference and the request that the Indian delegation has made, it would be the function of the Security Council, if one might so submit with due respect, to look into the matter and to try to bring about a pacific settlement of the dispute, as was indeed so eloquently pointed out yesterday afternoon by the representative of the United States.

One apprehends, again without any impertinence, that the Security Council would view every problem brought before it under these Articles of the Charter as a problem which must be settled in a pacific manner, and not merely as a sort of plaint which a party might bring into a court of law, upon which issues are framed and the court makes its pronouncement, limited to those issues, and if it finds those issues established, it decrees the claim in accordance therewith, and if it finds they are not established, it dismisses the claim and is done with the matter.

When a situation of that kind, which, like the situation here —in accordance with the parties' own estimation of it, apart from any investigation—is a situation likely to endanger the maintenance of international peace and security, is brought to the notice of the Security Council, one understands that the very first anxiety of the Security Council would be that the situation should be so resolved as to remove all danger to the maintenance of international peace and security. If the Indian delegation had been prepared to view the dispute between it and Pakistan from that point of view, I venture to think that it

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would not have entertained that sense of grievance to which it gave expression yesterday.

For instance, the representative of India gave expression, at the 243rd meeting, to this grievance: "I am constrained to tell the Security Council that it is because I feel that the trend of opinion in the Security Council has not adequately appreciated the urgency and the immediacy of the solution of this problem, and that this trend has gone on to consider problems which, if not altogether irrelevant to the main issue, could certainly have waited for consideration for a considerable time...."

I am surprised that the feeling of the Indian delegation should be that the issues relevant to Kashmir which the Security Council has been considering have been altogether irrelevant to the main issue, or that, at the very least, they could have waited for consideration for a considerable time. One's own perusal of the record of what has been said by the members of the Security Council leaves this principal impression upon one's mind: what the Security Council was addressing itself to was, at the very threshold: What will bring to an end the fighting and the killing and the disorder and the violence that are going on in Kashmir? The difference arises with regard to the answer to that question. The Indian delegation thinks that a directive to Pakistan from the Security Council, couched as it desires, is all that is needed. The Security Council has felt that this will not bring the fighting to an end, and, I submit, it has very rightly appreciated the situation in that respect. To persuade the tribesmen who are already in Kashmir to go back from Kashmir and to keep out, and to persuade the *Azad* Kashmir Government to lay down its arms, to co-operate in the restoration of peace and order in Kashmir and to participate in a free and unfettered plebiscite, it is essential that all these parties should be assured as to what would happen once they had laid down their arms. That was the manner in which the Security Council appraised the situation. It felt that without such an assurance, without the guarantee of the Security Conncil, it was useless to expect that fighting would stop. That, I venture to submit, is a correct appreciation of the situation.

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The representative of India went on to say: "I have asked again and again for immediate action calculated to stop the fighting in Kashmir." The Security Council has been engaged in determining immediate action calculated to stop the fighting in Kashmir.

Then the representative of India presented a grievance against the representative of the United Kingdom, saying: "... while he has appreciated the urgency and immediacy of stopping the fighting, when it came to the consideration of concrete steps, he concentrated rather on the steps which could certainly afford to wait, and wanted us to consider and to find solutions for them first before he would concede our request...." Again, the concentration on those matters is for the purpose of bringing an immediate end to the fighting. Here, one might submit a distinction to the members of the Security Council, which there is no reason to think is not already clearly in their minds; that is, that a settlement as to what shall be done is essential for bringing the disorder and violence to an end, though, of course, it is obvious that the settlement must be put into effect by stages.

If the representative of India, when he draws attention to matters that could wait, means that obviously the plebiscite cannot be held until order has been restored and, therefore, in chronological order, it must come after the cessation of violence and must follow the restoration of order, of course he is perfectly correct. But if he means that no attention need be paid, at least for some considerable time, to the holding of a free and fair plebiscite, I venture to differ with him entirely. It is only an assurance on that matter—as was stressed by the representative of China yesterday afternoon—which will help to persuade both the tribesmen and the people who are fighting in Kashmir to lay down arms and to help in the restoration of normal order.

Then the representative of India goes on to say: "...if we did solve the ultimate, long-range problem...." That is where the difficulty arises. He goes on to insist that the plebiscite is a long-range problem, whereas it is the immediate problem. So

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far as the direct dispute between India and Pakistan is concerned, that is the crux of the matter. That dispute exists because India claims that Kashmir has, at least for the moment, acceded to India. Pakistan repudiates that. In any event, the dispute between the two parties is whether Kashmir shall accede to India or to Pakistan. It is not a long-range problem. That is the problem that has given rise, even according to the representative of India, to the situation with which India has invited and requested the Security Council to deal. Even the Indian case, right or wrong, is that the violence in Kashmir has originated from the coercive attempts of Pakistan to compel Kashmir to accede to Pakistan. Pakistan repudiates that, but that is India's allegation, that the violence in Kashmir has started as the result of the pressure and coercion exercised by Pakistan in order to bring about the accession of Kashmir to Pakistan.

How, then, does the representative of India argue that this is a long-range problem? It is the very crux of the matter even from his point of view. This attitude reveals a fundamental difference in the approach to the problem by the delegation of India. What India desires is to create conditions which they think at the moment do not exist and which they think Pakistan could help to create for them, which would enable India to stage a quick military victory in Kashmir.

One has previously refrained from stating the position in this manner as one had hoped that the necessity for stressing it in those words would not arise; but one must face the situation as it has emerged. India, throughout these deliberations, has stopped short at that stage. The representative of India says that everything else is a long-range problem; it can await consideration; one need not bother with it. This situation was brought into focus very sharply by the question which the representative of the United Kingdom addressed to Sheikh Abdullah at the end of his speech at the 241st meeting. The President told Sheikh Abdullah that he was under no compulsion to attempt to answer the question. Sheikh Abdullah said that he desired to answer the question and he gave his answer.

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The question was: "In what manner would you propose to bring the fighting in Kashmir to an end?" The answer was: All that we desire is that the Security Council should direct Pakistan to do this, that or the other, and stop it from doing this, that or the other. Assuming that this directive had been given, and assuming that there was room for that directive to be given, and that it had been obeyed, he did not say one word with regard to how it is proposed to stop the fighting in Kashmir, not one word. This amounted to saying "Well, we shall do the rest," meaning that they would then feel they would be able to crush the revolution in Kashmir by military force.

As I have submitted, it is the insistence upon this aspect of the problem, and the complete exclusion from consideration of everything else, that is responsible for the attitude which was expressed on behalf of the Indian delegation yesterday afternoon. Even the Prime Minister of India, in his telegram, to which I have already drawn attention, appreciated what immediate questions were to be settled. He said in that telegram: "Lord Mountbatten, on his return from Lahore, gave me a full account of his talk with Mr. Jinnah, in particular of two important suggestions which had been discussed, namely: one, the withdrawal of Indian Dominion troops and tribesmen from Kashmir; and two, the holding of a plebiscite at the earliest possible date."

The Prime Minister does not say: "Oh, these are long-range problems. We are for the moment not concerned with these. Why are you trying to draw these red herrings across the trail?" No, he goes on to say: "As regards the first proposal, Lord Mountbatten told me that Mr. Jinnah desired that withdrawal of the Indian Dominion troops and tribesmen should be simultaneous; but that he, Lord Mountbatten, had pointed out that it was clearly impossible for the Indian troops to withdraw from Kashmir Valley until the raiders had left Kashmir soil and law and order had been restored in Kashmir." It is not described as a long-range problem. All that is stressed is a practical difficulty as they saw it.

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The telegram goes on to say: "Lord Mountbatten has also made it quite clear to Mr. Jinnah that the Government of India had no desire to retain troops in Kashmir for a moment longer than was necessary." As to the withdrawal of troops, it is admitted that it is one of the principal problems to be settled. The principle is conceded that the troops shall withdraw and shall not be retained in Kashmir a moment longer than is necessary. The difficulty that is raised is that simultaneous withdrawal may be difficult to arrange in practice.

The telegram continues: "As regards the second point, Lord Mountbatten reports that Mr. Jinnah had expressed the view that there was no hope of a fair plebiscite under the present Kashmir authorities." Was that disputed by the Prime Minister? No. He says: "To meet this point, Lord Mountbatten had suggested that it should be conducted under the auspices of the United Nations. Mr. Jinnah had put forward the counter-proposal that the two Governors General should be given plenary powers to settle the matter. Lord Mountbatten had pointed out that it would be constitutionally improper for him" —that is to say, Lord Mountbatten—"to undertake this duty." Again, there is no dispute with regard to the plebiscite's being held at the earliest possible date, and it was admitted that the objection that a free plebiscite could not be held under the present authorities was valid and had to be met.

Two methods were put forward to meet that objection. Mr. Jinnah said that the two Governors General should undertake this. Lord Mountbatten said that, so far as he was concerned, it would create a constitutional difficulty for him. Therefore, what was the remedy? A free plebiscite under the present authority in Kashmir was out of the question. There was no hope for it. What was the remedy? Lord Mountbatten said that the remedy was to hold the plebiscite under the auspices of the United Nations. Let us see what the Prime Minister himself says. He says: "It will thus be seen that our proposals, which we have repeatedly stated, are: 1. That the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir; 2. That the Government of India should repeat their declaration that they

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will withdraw their troops from Kashmir as soon as raiders have withdrawn and law and order are restored; and 3. That the Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date." Now we are told that the withdrawal of troops and the holding of the plebiscite are long-range problems, whereas in this telegram they are treated as the two questions that require settlement and upon which depends the settlement of the whole problem of Kashmir.

There is subsequent portion of this telegram to which I shall have to invite the attention of the Security Council in another connexion later. What is the position taken here on these matters, both of which are conceded to be essential and immediate by the Prime Minister? It is said by the Indian representative: "We are not prepared to agree to the existing Emergency Administration's being replaced by another, either at once or after being converted into a council of ministers with Sheikh Mohammad Abdullah as Prime Minister. That administration has to be there until a national government, based upon a national assembly for which our scheme provides—has come into existence. It is under that national government that we said the plebiscite should be taken."

Is that carrying out the pledge that was put forward—"The Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date"? This would postpone it for a period of from three to five years. Then there are the anxieties caused by the proposed appointment of Sheikh Mohammad Abdullah as Prime Minister with a council of ministers appointed by the Maharaja on the nomination of Sheikh Mohammad Abdullah. Then that administration takes various steps that are necessary for the establishment of a national government.

The representative of India cited to the Security Council yesterday a Tamil proverb from his part of the country: "You cannot conceal a pumpkin in a bowl of rice." Here is the pumpkin popping up—Sheikh Mohammad Abdullah as the Prime Minister of Kashmir.

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Has anyone entertained the hope that the *Azad* Kashmir Government could be persuaded to lay down arms in order to submit to Sheikh Mohammad Abdullah's administration in Kashmir? Could insistence upon this demand secure a cessation of the fighting in Kashmir? The people of Kashmir who are fighting look upon Sheikh Mohammad Abdullah as one who has joined their enemy—the Maharaja—who had undertaken a campaign for their extermination. They are fighting Sheikh Mohammad Abdullah as one representing the Maharaja. Even during the short period in which he has been associated with the Prime Minister of Kashmir as head of the Emergency Administration, Sheikh Mohammad Abdullah has been responsible for imprisoning many of their leaders without trial. Among them are five elected deputies of the legislature.

Ever since Sheikh Abdullah was released from gaol at the end of September, and even before he consented to become an instrument in the hands of the Maharaja, he has taken no part in the struggle for liberty in Kashmir, at least in the eyes of those people, whatever his own estimate of his prowess may be. He says he has taken part in battles. If he means the recent fighting that has been going on in Kashmir, then he has taken part in battles against the people of Kashmir on behalf of the armed forces of India. What the people of Kashmir are bound to conclude from that, is obvious.

In their eyes, he has joined the forces of oppression and has become their tool. In his speech here, he used very harsh expressions as indicating his views of Pakistan and those who desire to accede to Pakistan. But here are two significant facts which would enable the Security Council to judge, to some slight extent, what the actual feeling of the people of Kashmir is towards the administration of which he is the head, and which is supported by the armed forces of India.

The Security Council is aware that as many as—and, by this time, more than—200,000 Muslim refugees have fled from areas under Sheikh Abdullah's administration. Where have they fled? They have fled to Pakistan. Sheikh Abdullah said that Pakistan is a reincarnation of the spirit of Hitler and Goebbels. Why is it that, from areas under his administration, where apparently

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complete peace prevails with the help of the bayonets of the Indian forces, over 200,000 Muslims have fled into the arms of Hitler and Goebbels? How does he explain that fact?

According to him and according to the leader of the Indian delegation, the Muslims of Kashmir—at least in those parts where Sheikh Abdullah is associated with the administration—are anxious to kiss his feet. Yet, they ran away from under his feet to kiss the feet of "Hitler and Goebbels." Does that not show that the Muslims in Kashmir do not feel secure under the administration headed by him? They do not feel secure where Indian troops are in charge. They are ready to abandon—not only are they ready, but they have, in actual fact, abandoned—their homes and all that makes life attractive in order to save themselves by running away. Where did they run? They ran to Pakistan, which Sheikh Abdullah says is the reincarnation of the spirit of Hitler and Goebbels. Yet, that is where his co-religionists are fleeing from his administration.

Jammu Town is the seat of his Government. The Maharaja himself is in Jammu. Will Sheikh Abdullah explain what has happened to the vast majority of the Muslim population of Jammu Town with the Maharaja there, the seat of government there and Sheikh Abdullah there, who, according to his own statement, has been fighting for the liberty of his people; who is now associated with the administration; and who hopes, under the patronage of the Indian Government, one day to be nominated Prime Minister by the Maharaja, the premiership still being dangled before his eyes? Where are they today? Why are they not in Jammu? That is one significant fact.

Perhaps he will explain, then, this second fact. Under his administration there is a regulation—and it is only fair to state he is not responsible for that regulation, which was put into force some years ago—that the Dogras, the Hindus, may carry arms in the State of Jammu and Kashmir without a licence, while the Muslims may not. That is one factor that has helped in the massacre of Muslims in the State of Jammu and Kashmir. It is now responsible for the administration. Has he at least put these wretched people in a position of equality with

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their oppressors? Will that kind of administration be a guarantee of a fair, free and unfettered plebiscite?

The Indian delegation insists that it will not have that administration touched in spite of the fact that its Prime Minister admitted the validity of the contention that there was no hope of a free plebiscite being held under that authority, and that its own suggestion was that the plebiscite should be undertaken by the United Nations.

Then, with regard to the withdrawal of troops, it was said yesterday that Kashmir is a part of India, and India is responsible for its defence, and that Indian troops will not withdraw until after the plebiscite is held. Once the plebiscite is held, if the plebiscite goes in favour of Pakistan, India shall withdraw its troops to a man. This is very generous. Then there is no question of withdrawal of troops. It was further said that if the plebiscite goes the other way, India being responsible for the defence of Kashmir, it is a matter to be arranged between Kashmir and India. Now where is there any reflection here of this proposal made on behalf of India's Prime Minister, "that the Government of India should repeat their declaration that they will withdraw their troops from Kashmir as soon as raiders have withdrawn and law and order are restored"? And earlier, the proposal said that "India has no desire to retain troops in Kashmir for a moment longer than is necessary", not until after the result of the plebiscite is known, a plebiscite to be held under the authority of the kind of administration to some features of which I have drawn attention and under the shadow of the bayonets of the troops who have been massacring at least a section of the population, which will then be expected to record a free vote on whether they want to accede to Pakistan or to India; an administration which has sent people to gaol merely for shouting, "*Pakistan Zindabad*"; that is to say, "Pakistan for ever," an offence for which many people are behind the bars of the gaol today in Kashmir.

"But," it is said, "Kashmir is part of India." That is begging the whole question. What is the dispute between Pakistan and India over Kashmir? India claims that Kashmir has acceded to India; Pakistan repudiates the validity of that accession, and

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questions its legality. It is said—even admitted that this accession is not final. Paragraph 15 of the very telegram to which I have already drawn attention says:

> "The above conclusions relate only to Kashmir, but it is essential in order to restore good relations between the two Dominions that there should be acceptance of the principle that where the ruler of a State does not belong to the community to which the majority of his subjects belong, and where the State has not acceded to that Dominion whose majority community is the same as the State's, the question whether the State has finally acceded to one or other Dominion should be ascertained by reference to the will of the people."

Applied to Kashmir, this wording means that in the case of a State like Kashmir, where the ruler is a Hindu and the majority of his subjects are Muslims, and the State has not acceded to Pakistan, the question as to whether the State has finally acceded to one or other Dominion shall be ascertained by reference to the will of the people. This applies wherever such a state of affairs—or the reverse—exists with regard to any State. In other words, in the case of State such as this, there is no accession until the will of the people declares to which side the State shall accede. They say that this shall apply not only to Kashmir but also to all other States similarly situated—obviously, Junagadh for example, and possibly other States too—but they are not willing to recognize any accession unless it is based upon the will of the people. Until the will of the people is ascertained, the question of accession is, as it were, in suspense.

Today we are told, "Kashmir is part of India." On their own principle, it is neither part of India nor part of Pakistan. It will become part of India or part of Pakistan when the will of the people has been ascertained. Meanwhile, if it is said that India is interested, Pakistan is more interested in Kashmir than India is. The majority of its people are Muslims, nine-tenths of its border on the Pakistan-India side is contiguous with the Pakistan border; all its communications are through Pakistan;

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and the greater part of its economy depends upon Pakistan. But, so far as the legal question is concerned, according to their own proposal and suggestion, there is no accession and no decision with regard to accession until the will of the people has been ascertained. Therefore, where a dispute has arisen, where violence is being resorted to, and where fighting is going on, it becomes necessary that this question of accession should be decided at the earliest possible opportunity. It becomes the most urgent question and is not a long-term problem.

Then it is said, with regard to the plebiscite: "We are willing to invite the observation and even the supervision of the United Nations." In the first place, that alone will not bring about a cessation of the fighting. The *Azad* Kashmir Government people will not lay down their arms if a plebiscite is to be held under the authority of Sheikh Abdullah's administration and under the bayonets of the Indian Army, while the only part that the United Nations is to take is to observe, or possibly even to supervise.

In the second place, there is the question of pressure in matters of this kind, and I have already explained that the people of Kashmir are in a peculiarly vulnerable position in this regard. Pressure is not brought to bear merely at the polling station. As a matter of fact, pressure is never, or at least very seldom, applied at the polling station. All the subtle means of applying pressure go on behind the scenes. What will the Commission observe in the way of freedom or otherwise of the plebiscite? There are a hundred and one devices and threats which are resorted to, and forms of pressure which are exercised upon people to make them vote one way or the other. How will a commission, merely observing—or even supervising—the actual polling and recording of the votes, be able to gauge that pressure? Time and again petty tyrannies and threats by petty officials are brought into operation. The man there in the rural areas—the head constable, the revenue officer, and so on—has been telling the people, under orders: You have to vote this way; otherwise I shall have to know the reason why." That is the kind of pressure that has to be excluded. What will the United Nations observers be able to do in that direction?

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Even if they are able to observe something of the kind which is objectionable, what would be the remedy? We are told that they can be present as observers and can even supervise—provided there is no exercise of executive authority. Very well, they report that in their opinion pressure was brought to bear and that, therefore, it was not a free plebiscite. Another plebiscite would be held, a similar report would be made, and there might be yet another plebiscite. Having regard to the circumstances of this particular case, what is the remedy if these people are merely observers?

Given the kind of people that the inhabitants of Kashmir are, it would be enough to invite attention to the opinion of an ex-administrator of Kashmir, Sir Albion Bannerjee, with which I am sure the leader of the Indian delegation would not disagree since he was one of the most eminent Prime Ministers of Kashmir over a number of years, and did his best while he was there, under the limitations which operated upon him, to administer the State fairly and equitably. Sir Albion Bannerjee has said:

> Jammu and Kashmir State is labouring under many disadvantages, with a large Mohammedan population absolutely illiterate, labouring under poverty and very low economic conditions of living in the villages, and practically governed like dumb, driven cattle. There is no touch between the Government and the people, no suitable opportunity for representing grievances, and the administrative machinery itself requires overhauling from top to bottom to bring it up to modern conditions of efficiency. It has at present little or no sympathy with the people's wants and grievances. There is hardly any public opinion in the State. As regards the press, it is practically non-existent, with the result that the Government is not benefited to the extent that it should be by the impact of healthy criticism."

It is only fair to add that since that was written, an opportunity has been afforded for the ventilation of grievances in the few and far-between sittings of the legislature—so long as the deputies are not behind prison bars for boldly giving expression to their views. There is also a certain amount of press. That is

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the kind of population for which conditions of a free and fair plebiscite have to be established.

I should now like to draw attention to some observations made by the representative of China in this connexion during the 243rd meeting. He stated that the proposal to set up an impartial interim administration might place the Government of India in great constitutional difficulty. He then went on to say: "I am not sure that the Central Government at New Delhi has the right to order a change of government in one of its federal States." The representative of China then added: "We are interested in the impartiality of the plebiscite. We should do all we can to see to it that the plebiscite will be really free and impartial."

That is the principle involved, and whatever that requires as an essential condition, no doubt must be put into effect.

I should like to make a few observations on the constitutional aspect of the matter, though it was adequately and brilliantly dealt with the other day by the representative of the United States [*240th meeting*]. However, the question was raised on behalf of the Indian delegation also and was stressed by Sheikh Mohammad Abdullah [*241st meeting*]. I might first explain, with reference to the apprehension expressed by the representative of China, that the Department of Education and the Department of Health, for instance, need not be interfered with, and that the administration should be controlled only to the extent which might be necessary in order to hold a free plebiscite. The representative of China stated, "...I feel that it is well for us to concentrate on those instruments of government which have to do with the plebiscite and to leave the other part alone" [*243rd meeting*].

That is true enough. Nobody has asked for any unnecessary interference with the machinery of administration. The machinery of administration can go on functioning normally, except only to the extent and only during the time that it may be necessary to control it, or to issue directives to it in order to secure the essential conditions for a free and fair plebiscite.

With regard to the constitutional objection raised, the reply has been furnished by the Government of India itself. Here, it

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has been solemnly stated that this plebiscite is the business of the Maharaja; the Government of India cannot interfere with it. To start with, that is an untenable proposition. It is not the business of the Maharaja—at least not the business of the Maharaja alone. The Maharaja has agreed, as part of the scheme for accession, that in order to decide, the people's will with regard to accession shall be properly recorded; and the Government of India has agreed that the plebiscite shall be free and impartial and should be undertaken by the United Nations. If the United Nations can only undertake it—their own guarantee in that case will be involved—under certain essential conditions of impartiality and fairness (and that is not really a question for the Maharaja) it is useless to contend that you are willing to concede a remedy but you are not willing to concede the conditions under which that remedy can alone be applied. It is tantamount to saying: "A free and fair plebiscite we concede, but conditions under which alone a free and fair plebiscite can be held, we do not concede."

As I have said, the reply has come from the Government of India itself. Here it was said that there can be no interference with the domestic affairs of a State. Now the maintenance of law and order inside a State—in normal times at least—is the business of a State. The investigation of an offence is much more the business of a State.

Here are two items of news which have come from India only recently—one this morning. The first, dated 7 February, is taken from the *New York Times* of 8 February and is headed "India takes over Princely Regime." The sub-title is "Maharaja, Premier to be kept out of Alwar State while Gandhi Inquiry goes on."

The news item states: "The investigation of the assassination of Mohandas K. Gandhi began reaching into his places today.

"The Government of India suppressed the administration of the Princely State of Alwar and called its Prince and Prime Minister to a hearing.

"The Sikh Prince"—this has subsequently been corrected; though the name sounds like a Sikh name, the Prince is not a

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Sikh but a Rajput—"Maharaja Tej Singhji, and the Alwar Prime Minister, Dr. N.B. Khare, already were in New Delhi and were ordered to stay there for at least a month while the investigation proceeded.

"An announcement said that this drastic step was necessary to pursue without any obstruction as investigation into the administration's alleged 'support or connivance' in activities of the outlawed R.S.S.[1], and 'its possible complicity in the assassination of Mahatma Gandhi and other serious crimes.'

"The Government of India took over rule of the State of one million persons and named C.S. Venkatachar, Regional Commissioner of Indore, as temporary administrator." Then there are further particulars with regard to the Maharaja in the State. Here is one case. It is a case of investigation into a crime. The whole world has been horrified at that particular crime. The victim was an august person, greatly beloved and revered, but to the constitutional doctrine, the personality of the victim makes no difference. It is an investigation into a crime, into an offence of murder and its ramifications. In order to secure what is said with reference to a free investigation into a crime, the Maharaja and the Prime Minister are sent to New Delhi. They are told to stay out: "You cannot go back to your State." The administration is taken over; the Maharaja's administration is suppressed. The Government of India appoints its own administrator, "until," it says, "the investigation is completed."

In question of principle, what comparison is there between the investigation of an offence and the holding of an international act—the plebiscite —to determine whether a State is to accede to one Dominion, a Member of the United Nations, or to another Dominion, another Member of the United Nations? What comparison is there between the two? How much more essential is it not that conditions of a free and fair plebiscite should be established than it is—even keeping out of consideration for the moment the personality and the status of the victim—that a single private offence should be properly investigated?

1. Rashtriya Swayam Sewak Sangh.

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If this last justifies the suppression of a State administration and is not unconstitutional and illegal, with what force—or with what plausibility, even—can it be argued that it is unconstitutional and beyond the powers of the Government of India to suggest to the Maharaja, after he has agreed that the plebiscite should be undertaken by the United Nations, that for the purpose of, and temporarily until, the plebiscite is determined, the administration shall be neutral? That is one instance

Here is another report which appears in today's edition of the *New York Times*. The heading is: "India again assumes control of a Maharaja's Administration." The sub-title is: "Princely State of Bharatpur placed under Dominion's authority while check on violent groups is made." The news item is dated 10 February, and it emanates from New Delhi. It reads as follows:

"The Indian Government moved in today on still another Princely State—Bharatpur—in the purge of communal activities following the assassination of Mohandas K. Gandhi.

"Bharatpur, like Alwar, which was taken over by the Dominion Government last Saturday, was notorious for atrocities committed against the Moslems in the upheavals following the division of India into two independent Dominions on religious lines.

"The Maharaja of Bharatpur, Lieutenant Colonel His Highness Shri Brijendra Sawai, was required to turn his State over to an administrator appointed by the Indian Government. However, unlike the Maharaja of Alwar, he was not required to remain out of the State until the clearing of his administration.

"The Maharaja's Government is accused of complicity in the activities of the *Rashtriya Swayam Sewak Sangh*, Hindu extremist semi-military organization outlawed by the Indian Government after Mr. Gandhi's death. The Maharaja said that he was 'shocked' at the evidence presented and agreed

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to give 'fullest cooperation' to the new administrator and police chief to be appointed by India."

Then there are certain particulars with regard to the State, after which the report contains the following language:

"The Maharaja is resigned to the growing view here that the institution of the ruling Princes is on the way out.

"In fact, he professes to believe that the Maharajas 'have no place in free India' and is willing to join in a movement for merging the Princely States with the provinces."

After having assumed in that manner the administration of these two States, it is the idlest pretence to contend that it would be against constitutional principles if the Government of India agreed to the establishment of conditions which alone could guarantee a free and fair plebiscite.

Towards the end of the statement which he made at the 243rd meeting of the Security Council, the representative of India said: "Therefore, in dealing with questions of such a leisurely character,"—this question, according to him, is of a leisurely character—"there is no harm at all—and, in fact, there is everything to be gained,—by taking an adjournment and trying to solve those problems in the most satisfactory manner possible to both parties. That explains my request for an adjournment."

I wish to submit that these questions are not leisurely; these questions are of the gravest urgency, as has repeatedly been urged by us throughout and, until yesterday, by the delegation of India. They are the very crux of the matter. They alone can settle these problems; they alone can help to bring about peace.

The representative of India drew attention to the battle that had taken place in Naoshera. He described it as anothor raid. I shall not enter into an argument on that aspect of it. It could not have been a raid. There have been battles in that area over several weeks by forces of the *Azad* Kashmir Government, as part of the war that is going on between the *Azad* Kashmir

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Government and the forces of the Dominion of India in that part of the country.

However, it is claimed that great slaughter took place. Well, the slaughter of human beings is the slaughter of human beings, and the earlier an end is put to it, the better for the peace and the credit of all concerned. These are not leisurely questions; these are questions as grave as death, and they must be settled at the earliest possible opportunity.

With regard to the draft resolution that was circulated by the President to the two delegations [*document S/667*], I have one or two brief observations to make. I may state that we intimated to the President that, so far as we were concerned, although we took exception to the language of certain clauses as drafted, we were willing to accept the principle of the draft resolution in order to help forward a solution. The head of the Indian delegation has complained that sub-paragraphs (a) and (b) following alternative B of part 4 do not go far enough. Sub-paragraph (a) reads: "Acts of violence and hostility must end." Sub-paragraph (b) reads: "The withdrawal and continued exclusion of all irregular forces and armed individuals who have entered Jammu and Kashmir from outside must be brought about, each party using to that end all the influence at its disposal."

How far do these sub-paragraphs go? They go to this extent: that there must be a cessation of violence and hostility, a withdrawal of armed people who have come in from the outside, and measures must be taken to keep them out. The rest is a question of detail, and if the details or the methods by which this is to be brought about have to be expressed more specifically, I venture to submit to the members of the Security Council that they will not find the Pakistan delegation unhelpful in that respect.

As to sub-paragraph (c) following alternative B of part 4, the objection of the representative of India was that they could not contemplate sharing with Pakistan the responsibility for the restoration of law and order in Kashmir. In that connexion, he apostrophized Pakistan at length.

I do desire to explain that Pakistan is anxious and keen that the armed forces of India should withdraw from Kashmir. It is

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obvious that, for the restoration of peaceful conditions, India must withdraw the troops that have been fighting with the population and that have been guilty of all sorts of atrocities—denied by the representatives of the Government of India, but asserted with persistence by the *Azad* Kashmir Government. So long as they are present, it is useless to expect the restoration of normal peaceful relations. As I have explained, this also has a vital bearing on the freedom of the plebiscite.

We are not anxious that Pakistan troops should necessarily go into the State. Somehow, the representative of India seemed to think—or at least I felt that he thought, both in his conversation with the President on 6 February and when he was speaking yesterday—that this was some sort of manoeuvre for Pakistan to get its troops inside Kashmir. Pakistan is not anxious about that; what it is anxious is to secure a withdrawal of the Indian armed forces.

Then the question arises: If it is necessary to maintain a certain amount of armed force in Kashmir for the preservation of law and order, what is the device to which recourse shall be had for that purpose? Our suggestion is an international force. It will be said, "Well, there is no international force in existence. The problem is urgent. An international force cannot be brought into existence by saying 'Presto!' " Very good, then, let us have British forces, Dominion forces—let us say Commonwealth forces—or any force that will be neutral. But, having regard to the urgency of the problem, if any of these suggestions should prove impracticable, Pakistan is willing to share the responsibility and to make its troops available. That is only a demand of necessity. We are not anxious to do so; as a matter of fact, we are anxious to keep out, as we want everything to be done not only under the observation of the Security Council, but also under the authority, the direction, the supervision and the arrangements of the Security Council. If the Security Council can think of anything that will establish free, impartial and peaceful conditions without bringing in Indian troops and Pakistani troops, we shall welcome it. If it thinks this is the only way it can be done, we shall be prepared to share the responsibility.

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With regard to the withdrawal of forces, I have dealt with the objection of the representative of India.

With regard to paragraph (e) of the draft resolution circulated by the President, I do not think either side would have any observation to make. We both desire that the points set out therein should be accomplished.

The Security Council's attention must be drawn to this factor: there has been a good deal of massacre of the Muslim population. We have the percentages of the population at the last census available to us, and with regard to areas where massacres on a large scale may have been indulged in, some sort of remedial measures with regard to ascertaining the result of the plebiscite will have to be devised. But that is a matter of detail.

With regard to paragraphs (f) and (g), we have no observations to make. But on that subject, too, we are prepared to accept such suggestions on detail, with a view to securing conditions essential to the holding of a free and fair plebiscite, subject to any other suggestions that we may have to make or any modifications that we may have to suggest.

With regard to the question of adjournment itself, that again, of course, is a matter for the Security Council, but it will appreciate that this request on the part of the Indian delegation does place the Pakistan delegation and the Pakistan Government in a position of great embarrassment. We do not know where we stand. The Indian delegation knows what is in its mind; we know only so far as it has chosen to disclose its plans to the Security Council. Therefore, we are not able to make any arrangements or adjustments on our side. If we knew the whole background, consultations with our own Government might become necessary. As it is, it may be necessary for me to arrange to have some member of my delegation fly back to Karachi to hold consultations over this new development that has arisen. But it does place us in a position of deep embarrassment. Apart from that—embarrassments can be overcome—it holds up the progress of the Security Council's proceedings with regard to this very urgent and grave matter. Therefore, if an adjournment there must be, I respectfully submit that the

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Security Council should keep it to a minimum period, subject to all the other safeguards that have been suggested which relate to procedure, upon which I need not dwell.

100. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 244 held on 11 February 1948

In deference to what the President has just ruled, I shall as soon as I finish this quotation, bring my whole speech to a conclusion.

Sir Chimanlal H. Setalvad went on to say:

"The 'Provisional Government' was formed and functioned for some days in Bombay with the avowed object of overthrowing by force the established Government in Junagadh. The Government of Bombay was, I venture to say, bound not to allow the 'Provisional Government' to start its hostile activities against a State which is at peace with the Government of Bombay and with the Government of India, who are at peace with Pakistan to which Junagadh had acceded. Their permitting this to be done amounts to an unfriendly and hostile act against Junagadh and Pakistan.

"The Government of India should not have allowed passage over its railways to a body proceeding to Rajkot with the proclaimed object of raising a volunteer army to overthrow the establishment of Junagadh.

"The Government of Rajkot should not have given asylum to a body that was raising an army to overthrow the Junagadh Government.

"It is most surprising that the Government of Rajkot should have tolerated the seizure by force of Junagadh State property within its territory.

"Legally and constitutionally, the Governments of Bombay and India and those of the Kathiawar States are bound to stop and prohibit all activities within their territories of the

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'Provisional Government'. The consequences of their inaction would be very serious."

Then, in his letter of 3 November, Sir Chimanlal H. Setalvad said:

"The appeal made by you in your letter this morning for reason and common sense is very opportune. Recent unfortunate events have so frayed the nerves of those in the Governments of the two Dominions that indulgence in charges and counter-charges and attributing motives has become the order of the day and has widened the gulf between the two Dominions.

"It is hoped for the welfare of the whole country that reason and common sense will take the place of the present temper on both sides. Pandit Nehru in his broadcast has rightly asked the Pakistan Government how and why the invaders of Kashmir came across the Frontier Province or West Punjab, and how they came to be fully armed. He charges the Pakistan Government with violation of international law and an unfriendly act towards India. He alleges that the Pakistan Government was either too weak to prevent the invaders of Kashmir from marching across its territory or that it was willing that this should happen.

"Exactly the same poser can be put to the Indian Dominion with regard to Junagadh. The so-called 'Provisional Government' of Junadagh were openly formed in Bombay, and for days it proclaimed its intention of marching to Junagadh to overthrow the Junagadh Government as by law established. The leaders of that 'Provisional Government' have openly raised a volunteer army and have captured several villages in Junagadh territory. Junagadh House in Rajkot was forcibly seized by the 'Provisional Government,' and Rajkot State, which has acceded to India, and the Indian Government themselves have remained passive spectators of all unfriendly, and hostile acts against a State which is, together with the Dominion to which it has acceded, at peace with India.

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"Undoubtedly, Junagadh's action in acceding to Pakistan is unwise from all points of view and deserves condemnation, but that cannot justify the action that has been taken against it. The Indian Dominion may well be asked the self-same questions that Pandit Nehru has put to Pakistan. Was the Government of India too weak to prevent the armies of the 'Provisional Government' from invading Junagadh territory, or was it willing that this should happen?"

Since the Junagadh State has been occupied by the armed forces of India, and it is in accession with Pakistan, a very delicate, grave and urgent problem is raised. Had it not been for the restraint of Pakistan in not sending its armed forces into Junagadh to expel the forces of the Government of India, there would have been a direct clash between the two Dominions. We have held our hand; we are continuing to hold our hand, but the problem is as urgent as the problem of Kashmir.

I have raised the problem this morning merely to stress its urgency and to request that, if the delegation of India is under the necessity with reference to the problem of Kashmir, as their instructions specifically show, to go back for personal consultations with their Government—and as they must be ready to deal with these matters, having regard to their declaration that they would be ready within a few days of 22 January—it would result not only in the saving of the Security Council's time, but also in some progress towards a settlement of another of these very grave and delicate problems, if the next item on the agenda could, in the meantime, be taken up.

The system of consecutive interpretation was resumed at this point.

101. Text of the Speech made by Mr. Noel Baker (UK) in the Security Council Meeting No. 244 held on 11 February 1948

I find it difficult to believe that in the early days of the League of Nations, while the Covenant was still being taken seriously, the Council of the League would ever have agreed to such a course. We were hoping that this Security Council, by the very

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fact that it is permanent, would be more effective for this purpose than the Council of the League. Of course, we recognize that there must sometimes be intervals when delegations must consult the Governments which make the decisions at home. We are more than grateful for the assurance which was given us by our Indian colleague yesterday afternoon. He is making no attampt to break off this affair and to withdraw the matter from the Security Council, but he is coming back as soon as he usefully can. We all agree that the item stands on the agenda. It is a matter of course. We are all agreed that, if developments should make it necessary, we shall proceed. That is a matter of course, and India will be represented, as our colleague told us, very well. We are all agreed that we must resume the question soon. The question is: how soon? I should be the last man to desire to express a firm view if the visit which is to be made to New Delhi will advance the cause of peace. But, as I am at present advised, it seems to me that the shortest period as yet proposed in the Council—the Chinese representative's fifteen days—is extremely long and the longest to which we ought now to agree, because this is a serious matter.

The representative of India told us yesterday that a battle was taking place in which 14,000 men had been launched against the positions of the Indian Army. That fact shows that large forces are now engaged. It is a big concentration. In any campaign, that would be a considerable engagement. Therefore, I hope—and I am sure that our Indian colleagues will do their best to justify the hope that they will return to us not necessarily at the end of the period which, in its wisdom, the Security Council may decide, but at the earliest moment when they see their path clear before them to useful work.

I want to add that I hope that what is being done today will not be taken as a precedent for future cases. I think that is a matter of the highest inportance. While there may be every justification by what the Indian delegation has asked, and to which we shall agree, there might, in another case, be no justification at all. That is why I hope it will be firmly established that this is not a precedent which can be held to bind the Security Council on any future occasion that may arise.

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Secondly, I want to make a very brief amplification of what I said yesterday about the draft resolution presented by the President and the Rapporteur [*document S/667*], out of which this request for adjournment has arisen. No one has asked that the Security Council shall vote on that draft resolution; no one is going to ask it. The Security Council, as I think, has given it a broad indorsememt. But I venture to think that supposing we had voted on it, supposing we had made a formal decision, of course it would still have been open to the Security Council to make amendments to it, to make additions or deletions either by agreement of the parties or to meet the view of one of the parties which we thought was well founded.

Of course, it is not a binding document. If it had been voted, it would not be a binding document ruling out everything else. It could be changed or added to in any way. And, of coures, not every member of the Security Council is in agreement with every detail that appears in the resolution. In my experience, that is always true in every document agreed to by any democratic body. I do not know what the experience of other members of the Security Council may have been in their respective parliaments at home, but I doubt if I have ever voted for a bill in the House of Commons of which, in all its details, I approved. But broadly, we think this is a good and reasonable basis of discussion. For my part, I would have thought the same of the memorandum presented by the representative of Colombia at the 241st meeting of which the representative of India spoke some favourable words the other day.

Thirdly, in taking this view of the draft resolution submitted by the President and the Rapporteur or of the memorandum submitted by the representative of Colombia, I am sure that every member of the Security Council has acted according to his conscience and with absolute impartiality between the parties. The members of the Security Council have no reason in the world to do anything else. With equal understanding and equal friendship for two great peoples, they have sought to do equal justice to them both. And as they have begun, I am convinced they will go on to the very end of all our work.

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I now come to one or two of the important matters which were raised in the Security Council yesterday afternoon. The representative of India, with the courteous firmness which he always shows, told us that he wanted us to do more about clauses 4 (*a*) and (*b*) of the President's resolution. He said that he wanted drastic action taken by Pakistan to stop the fighting. We all want drastic action taken by Pakistan to stop the fighting. He said that India wanted those two clauses I have mentioned in the President's draft resolution to be much developed. We all want those two clauses to be much developed. For my part, I could write a long essay on the subject.

He said that he wanted specific obligations to be laid on Pakistan about the tribesmen, about the volunteers from the Punjab and about the other matters which he mentioned. We all want obligations as specific, as comprehensive, as the Indian delegation could desire.

India wants a demand made on Pakistan that its obligations be accepted and carried out. We are all quite ready to make that demand, but India wants that demand made now, at once, as the sole action of the Security Council, irrespective of everything else we may have to do, and if I understood him rightly yesterday the Indian representative said: "This is our task and other matters which have been raised, if not wholly irrelevant are at least matters which can wait for a considerable time. We must," he said, "concentrate now on stopping the fighting."

That is the point stopping the fighting. Would it stop the fighting if the Security Council did what he desires? Everything lies there. Suppose we put this demand to Pakistan, and put it now. Would the inhabitants of Poonch and Mirpur and Riasi lay down their arms? Would the volunteers from the West Punjab go home? Would the tribesmen obey the summons of the Security Council and go back to their barren uplands or would our action have exactly the opposite effect? Would the tribesmen in their tens of thousands—the tribesmen, who, many of them, have hitherto been persuaded to stay at home—come flooding down to conquer Kashmir, as they believe they can?

I have constantly argued that that is the danger, perhaps a mortal danger, to all concerned. The Indian representative

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brought some evidence to the Council chamber the other day. When that evidence was taken as a whole it supported and very powerfully supported, what I have just said. I showed how grave the risks might be, how swift and disastrous the results might be, if the Council made a mistake and acted unwisely or intemperately at this dangerous time.

How can the Council help the Indian delegation to bring the fighting to an immediate stop? We have said very often: by getting a general settlement of the whole Kashmir affair...I think it was the representative of the United States who put it first in our debates. He said at the 240th meeting:

> "It is my opinion that, if and when the Security Council deals with this problem, it must consider it as a whole, because unless it does, there cannot be a cessation of hostilities. How is it possible to induce the tribesmen to retire from Jammu and Kashmir without warfare and without driving them out? That is the only way it can be done, unless the tribesmen are satisfied that there is to be a fair plebiscite assured through an interim government that is in fact, and that has the appearance of being, non-partisan."

The representative of China put it, as I thought, in wise and cogent words at the 243rd meeting when he said:

> "If you agree to a plebiscite, it must be a free and impartial plebiscite. Furthermore,...the announcement and the establishment of a scheme of a free and impartial plebiscite would be the most potent means to pacify the Muslims and the tribesmen. I cannot think of any other way of carrying across to the people in revolt the message that it is unnecessary for them to resort to violence; and that, for their own good, they should stop violence as early as possible, because they will have a fair chance to decide their own future."

I endorse those sentiments and I venture to think that even the Indian delegation have given them some support by putting forward, ten days ago [*236th meeting*], a complete scheme of settlement which covered the restoration of order, the question of

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military occupation, the organization of government and the carrying out of the plebiscite.

I think the Indian representative retreated a little from that position yesterday afternoon and, indeed, some doubt has been cast on what the Indian delegation really wants. It has been asked: "Are they desiring to make this demand on Pakistan, regardless of the consequences to be achieved, on the basis of *fiat justicia, ruat coelum*? Are they saying, "If this may mean war, let there be war"? I do not believe it.

It has been suggested that they want action which will shorten and make less costly the action of the Indian Army; that the Indian Army could then finish off the rebels and drive out the tribesmen and volunteers from Pakistan. Perhaps if the Security Council did what the Indian representative desired, it might have that result, though I doubt it.

But even if it did make it a little less long, a little less bloody, it would still be a long and bloody business. What would be infinitely worse is this—and this is what both delegations and the Security Council must bear continually in mind —that it would make the hope of real friendship between India and Pakistan, lasting friendship for the years to come, less than it is today. I do not believe, I cannot believe, I will not believe, that this is what India really wants. They must want the full stoppage of the fighting at the earliest possible time; they must want the people of Poonch and Mirpur, the volunteers, the tribesmen, to stop their action because they believe they safely can do so.

Why can we not make the settlement now which the members of the Security Council desire? Why does the Indian representative suggest that a plebiscite, which he admits is not irrelevant, is nevertheless a matter which could wait for a considerable time? Why does he call them as he did, "long-range problems"? I think it would be a disaster both to India and to Pakistan if we so regard them. What is long-term about them? Why should it take long to make a settlement?

The Indian delegation have no doubt given consideration to the matter during the past month. The Security Council has

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given consideration to it over a considerable time and they produced their scheme within a matter of days—two days if I remember rightly.

We start from a very strong position. Both sides want a fair plebiscite. It is contrary to common sense to think that a Government would come to this table and talk about a plebiscite that was not to be fair. Our problem in the Security Council is that to make all parties, including Pakistan and the Kashmiris now fighting against the Indian Army—whom the Indian representative admitted to be parties the other day—regard the plebiscite as fair.

I do not think that ought to take months and months. Why should it? I was very much struck by some words used by the Indian representative yesterday afternoon. He said, towards the end of his speech:

"On the occasion, when the President handed this draft resolution to me, all I tried to persuade him of was that we had spent about a month in talking about generalities. Let us come to brass tacks; let us consider concrete proposals; let us sit down from day to day, hour after hour for the next four or five days and formulate concrete action to be taken. That would be time well spent. However if we now are going to discuss merely general principles of this sort, get them through the Security Council, and later on begin to sit in order to consider concrete steps—in themselves matters which will involve points of controversy..." He felt that the Indian delegation had better do what it now proposes.

Those observations make me feel, firstly, that I was right yesterday afternoon in suggesting that if we do have an interval in our discussions, it should be used by our President and our Rapporteur in trying to evolve a much more definite, concrete scheme; and, secondly, I am bound to say that I—and I think most members of the Security Council—had hoped that discussions of the kind described would have happened in the last interval between 6 February and 10 February, a period of nearly four days when we broke off for that very purpose.

But even now, in my view, it is not too late to do this. Why should not the delegations of India and Pakistan, the President

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and the Rapporteur sit down this afternoon and begin to hammer for four or five days on end at the real causes of disagreement? I think they can usefully do it on the basis of the draft resolution presented by the President and the Rapporteur. I do not think that would in any way prejudice the position of the delegation of India. If it were desired, I think the memorandum of the representative of Colombia also could be put in as a basis of debate.

Whatever the basis, of course, the hands of the Indian delegation would be free; but I think it would be a tragedy if the representatives of India were to go back to their country without having, in their own words, "thrashed out the difficulties, the real differences that remain," and without understanding fully, on one side and the other, all that is in mind.

There is nothing irrevocable about an aircraft ticket. There may be something irrevocable in the departure of the Indian delegation. Who knows what may happen while they are away? I say, with all respect, that delays and hesitations have caused more unwanted wars than all the other factors in the world, wars that Governments had not planned, wars on which the Governments and the peoples look back with harsh regret.

I believe this is a short-term, an urgent and, as politics go in 1948, an easy problem. I am sure that if the delegations could get back to the spirit of Independence Day five months ago, they could settle these issues without delay. As I said two weeks ago, they have settled by joint action problems far more difficult and far more terrible than this. In this, form should be nothing; spirit should be all.

On Independence Day the cabinet of the Government of India made a declaration in which they said: "We proclaim that we as a nation and a people stand for world peace and co-operation among nations. We stand for democracy. The method of democracy is to find peaceful solutions for all problems. By violence and hatred, no problem is solved."

Let both delegations take those noble phrases as their programme; then our work will soon be ended and lasting peace and friendship will be assured.

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102. *Text of the Speech made by Mr. Gopalaswami Ayyangar (India) in the Security Council Meeting No. 266 held on 10 March 1948*

When the debate on the Jammu and Kashmir question was interrupted on 12 February 1948 [*246th meeting*], we were, as the President has pointed out debating the draft resolution which had been placed before the Security Council by the representative of Canada, who was then functioning as the President of the Security Council. We had reached a stage in the debate when I considered it necessary to ask the Security Council for an adjournment of the debate, for the purpose of enabling me to go back to my country to hold consultations with my Government, in order that I might come back fully armed with the results of those consultations and fully equipped for the purpose of participating in the continuance of that debate with greater chances of achieving a result which would be satisfactory to both India and Pakistan. With the permission of the Security Council, I went back to my country, and for a number of days held continued consultations with my Government.

We have explored all avenues of reaching a settlement. I may, at this stage, assure the Security Council that India is essentially a lover of peace; she stands for the maintenance of peace in the world, for the avoidance of war; she has immense faith in the capacity of the United Nations and the Security Council in achieving this end of maintaining world peace. But for that faith, we would not have come to the Security Council with the reference that we did on 1 January 1948. It is our hope that with the help of the Security Council we shall reach a settlement with Pakistan which would, in the first place, put an end at the earliest possible moment to the fighting that is still going on and which, in the second place, would lay the foundations for a more permanent understanding between the two countries, so that all future conflicts either might be avoided or might be solved with satisfaction to both countries. That is really our objective. I am asked by my Government once again to reiterate our faith in the efficacy of this world Organization and the Security Council.

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The interruption in the debate that has taken place has enabled us to review the whole position. I would express the hope that it has also enabled members of the Security Council to review their attitude on the questions that have arisen for consideration in respect of the Jammu and Kashmir problem. As a result of this review on both sides, it is my expectation that we shall bring to the solution of this knotty problem a somewhat modified approach, not only from our side, but also from the side of Pakistan, and—may I add—from the side of the members of the Security Council themselves.

That being the general line on which I would ask the Security Council to approach this question afresh today, and on the subsequent days on which we may debate this problem, I desire to refer to the three or four particular issues on which we struck on the last occasion.

The first and most important of these was the question of bringing the fighting that is going on to an end as quickly as possible. I do hope that in spite of the eight or ten weeks that have elapsed since we brought this question to the notice of the Security Council, we shall yet realize that the utmost priority has to be given to the measures that should be taken for the stoppage of fighting in Kashmir. It is an unfortunate fact that sanguinary fighting has proceeded in that State during the two months and more that we have been considering this problem here. One wonders whether we might not have saved many lives and the expenditure of much material and money, if we had been able to arrive at a settlement much earlier than we shall.

That being the first thing that I would, on behalf of my Government, urge on the Security Council today, I shall take up the other points on which I thought at the time we had reached a kind of impasse. Those points are, roughly speaking, points which relate to the ensuring of a free and impartial plebiscite on the question of accession of the Jammu and Kashmir State.

The first of these points related to the substitution, as suggested by certain participants in the debate, of a neutral, impartial administration for the administration that is now functioning

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On that point, I should like to repeat what the President said [*speaking as the representative of China, at the 243rd meeting*]: there is a fundamental constitutional issue involved in making a suggestion of that sort. That constitutional position which requires that a question of that sort has to be left to the decision of the Jammu and Kashmir State, its Ruler and its people, has got to be maintained. Any attempt on the part of the Security Council to demand that the internal administration of a sovereign State should be put into the hands of an agency unconnected with the State, perhaps, or an agency which does not command the support of the people of the State, is a proposition which is unthinkable, and I would respectfully urge the Security Council not to press that idea on us.

It will not be possible for us—and I say it with a full sense of responsibility and with the full authority of my Government behind me—to yield on the question of doing away with the administration that is functioning now, and substituting in its place some kind of outside agency, or an agency which does not meet with the support of the people of the State.

In this connexion, I should like to mention for the information of the Security Council, that since we last met the Maharaja of the State of Jammu and Kashmir has issued a proclamation. There are two or three important features of this proclamation.

One feature is that full responsible government is conceded to the people of the State.

The second feature is that suitable machinery should be set up as early as possible for framing a constitution which would give this full responsible government to the people of the State, and if that government is established, it will inure to the benefit not merely of one part of that State, but to the benefit of the whole of the State, including the area in which there is some local fighting still going on.

The third feature that this proclamation has published to the world is the conversion of the Emergency Administration into a regular Council of Ministers under the existing Jammu and Kashmir State Constitution. This Council of Ministers is to function, as far as possible, as a responsible executive. That change has taken place. The head of this new Council of

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Ministers is now engaged in forming his Cabinet, and it will be of interest to the Security Council to know that only yesterday I received a cable that he is putting forth his best efforts to include in his Cabinet representatives of schools of political opinion other than his own. I hope that he will succeed in bringing into his Cabinet representatives of all sections of political opinion so that the interim Government may evoke the smallest possible amount of criticism.

So much as to the question of the interim Government. The next point for the ensuring of a free and impartial plebiscite that was being debated on the last occasion [*244th meeting*] related to the question of the retention of the armed forces of India in the State during the interval that has to elapse between the stoppage of fighting and the completion of the taking of the plebiscite.

There also I would invite the attention of the members of the Security Council to the very wise advice that the President [*speaking as the representative of China*] gave in his speech during the last debate [*243th meeting*]. To ask for the exclusion of the armed forces of India altogether from the State during that period is not a matter which is within the range of practical politics so far as we are concerned. But the essential reason for making that demand is that the armed forces of India which may remain within the State should not be allowed to interfere with the taking of a free and unfettered vote on the question of accession when the plebiscite comes to be conducted.

On that point, I have been instructed to assure the Security Council that we are quite prepared to consider any reasonable suggestions that might be put forward by any members of the Security Council for the purpose of ensuring that the armed forces do not have the opportunity to interfere with voting during the time of the plebiscite. We are quite willing to go as far as we possibly can to ensure that. We do not want any pressure, any violence, any coercion used on even a single voter in the matter of his choice between India and Pakistan on the question of accession.

If there is anything that we can do short of withdrawing our forces altogether from the State for the purpose of ensuring this

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non-interference with the plebiscite, we shall be quite prepared to consider suggestions.

There is one matter in this connexion which I should like to lay before the Security Council. The retention of the armed forces is an obligation which we owe the State of Jammu and Kashmir for ensuring its defence from external aggression, for going to the aid of the civil power when it is inevitable that armed forces should be used for the purpose of maintaining internal law and order. It is only for those two purposes that we wish to retain armed forces within the State. We, as much as anybody else in the Security Council, are totally against anything that will smack of armed forces influencing the casting of votes during the plebiscite.

The third point that was considered on the last occasion was the machinery that should be devised for the conduct of this plebiscite. My delegation, the Government of India and I are perfectly convinced—in fact, it is our desire—that arrangements should be so devised that this machinery for the conduct of the plebiscite will be allowed to work in a completely unfettered manner, without any pressure of influence being exercised on it by the administration of the State, to ensure in the eyes of the world that the vote at the plebiscite was cast in conditions which would be open to no criticism on the score of coercion, pressure or anything else of that sort. We are quite anxious that this machinery should have, in the field of activity assigned to it, as much independence as it is possible to give to it, consistent only with the maintenance of the sovereignty of the Jammu and Kashmir State and with the maintenance of the proper relations that should subsist between the federal centre—namely, the Government of India—and the Government of the Jammu and Kashmir State.

We are willing to consider any suggestions that may be put to us, subject only to this one condition. We want this machinery to work independently. We want this machinery to propose rules and regulations which can be put into force without any amendment or modification. We are prepared to issue orders and to see that those orders are implemented by the Government of the State, to the effect that no administrative,

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police or military pressure shall be allowed to be exercised over voters during the taking of the plebiscite. That, I hope, will give the Security Council confidence that the Government of India is as anxious as anybody else that this plebiscite should be conducted in a perfectly free and unfettered manner.

As to what concrete steps could be taken to bring about this result, it is not for us to make suggestions, but we shall be quite willing to consider any reasonable suggestions that are put forward for ensuring peace. More than that I do not wish to say on this occasion. I hope that, with the help of the Security Council, we shall arrive at a settlement of these questions which both the representative of Pakistan and we will recognize and agree is the most satisfactory in the circumstances of the situation.

103. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 266 held on 10 March 1948

I find myself on the horns of a dilemma. If I were to say nothing on this occasion, my silence might be misconstrued; if I proceed to submit certain observations to the Security Council, I shall only weary the representatives by repeating what has been said before so often, for I have no doubt that the representatives on the Security Council have perceived that, though the opening remarks of the representative of India raised the hope that some considerable modification of the attitude of the Government of India would be revealed by the submission that he was going to make, that hope has proved to be vain.

It was four weeks ago that the Indian delegation made the request to the Security Council for adjournment of the proceedings to enable the delegation, at the request of its Government, to hold consultations with its Government so that a way might be found out of the difficulties with which the delegation said it was confronted at that stage of the discussions in the Security Council.

During the interval, the delegation conferred with its Government and they laboured on this very grave issue together. I hope I shall not be accused of levity if I say that I have failed

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to discover even the proverbial mouse in the result of that labour which has been produced before the Security Council. The position of the Indian delegation on the questions then under discussion is exactly the same today as it was when the proceedings were adjourned. True, towards the end of his remarks, the representative of India said that his Government was quite willing to adopt any measures—reasonable measures, he was careful to add—that might ensure non-interference by the military with the free exercise of the right of voting, and which would ensure that the machinery which might be set up for the purpose of conducting the plebiscite would work in a perfectly free manner. I have no recollection that the representative of India had, on any previous occasion, either stated or implied that his Government intended to have its military forces in Kashmir to interfere with the plebiscite, or that his Government desired to encourage its military forces to do so, or that his Government would permit its forces to do so. That which today has been sought to be given the air of a great concession has, I venture to submit, been implicit in the situation all the time.

The discussion did not concern any design—expressed or implied—on the part of the Government of India to encourage or permit its troops directly to interfere with the exercise of the vote in connexion with this proposed plebiscite. The discussion concerned the conditions which it would be necessary to establish, having regard to the circumstances that exist in Kashmir, and which would ensure not only the free exercise of the vote but the satisfaction of everybody concerned that the vote was in fact to be free. The position taken up by the Indian delegation in that respect has been merely reiterated this afternoon.

On the question of the impartial administration, it has been submitted that that involves a fundamental constitutional problem. That fundamental constitutional problem was most adequately dealt with by the representative of the United States in the course of one of his very learned speeches made during these discussions [*240th meeting*]. In dealing with the fundamental constitutional problem I ventured, on a previous occasion, to invite the attention of the Security Council and of the Indian

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delegation itself to what had happened in Alwar and Bharatpur [*244th meeting*]. I sought to argue then that the emergency arrangements proposed with regard to the plebiscite in Kashmir did not go nearly as far as the arrangements imposed by the Government of India upon the States of Alwar and Bharatpur.

The question involved there was entirely one of domestic jurisdiction: investigation into an alleged conspiracy, which is a police matter. The action which the Government of India took in order that that investigation might be carried out in a free atmosphere was briefly this. The Maharaja of Alwar was asked to come to Delhi and was told that he must remain there and must not return to his State so long as the investigation was not completed. His Prime Minister was dismissed by the Government of India, which appointed one of its own officers as administrator of the State. Almost identical action was taken in respect of Bharatpur, although in that case the Maharaja was not directed to remain outside the State. The administration of Bharatpur was also taken over by the Government of India, and an administrator was appointed.

These facts were brought to the notice of the Security Council, but here is a further very interesting development that has since taken place in respect of Alwar. I respectfully invite the attention of the Security Council to the following item of news appearing in the *Hindustan Times* of 25 February, published from Delhi:

> "The Alwar Executive Council has been dissolved. Mr. K.B.L. Seth, Administrator, Alwar State, summonded all the ministers of the Executive Council yesterday morning and informed them that, in the interest of good administration, he had decided to dissolve the Executive Council with immediate effect and dispense with the services of the ministers, who were all nominated persons."

Thus, the Administrator appointed by the Government of India proceeded to dismiss all the ministers who had been appointed by the Maharaja. The Prime Minister had already been dismissed. Was not a fundamental constitutional problem involved here? Was not the sovereignty of the Maharaja

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involved? If, for the purpose of carrying out a freer investigation into the ramifications of an alleged or suspected conspiracy, it is open to the Government of India to summon a Ruler out of his State, to order him to remain outside his State, to dismiss his Prime Minister and to appoint an officer of its own to administer the State, and if it is then possible for that administrator to dismiss all the other ministers and to dissolve the Executive Council in the interests of good administration, to what extent is it competent for the Government of India to argue that, in order to carry out an undertaking it gave in its telegram of 8 November—to which the attention of the Security Council has been repeatedly invited—designed to ensure that the plebiscite to decide the question of the accession of Kashmir to Pakistan or to India shall be perfectly free, it, the Government of India, should advise the Maharaja of Kashmir, if advice should become necessary, to appoint an impartial administrator? Where is the difficulty? What bars the way—except that in one case the Government of India desired to do it and in the other case it does not so desire?

When addressing the Security Council on a previous occasion [*241st meeting*], Sheikh Abdullah said that it was an extraordinary demand that the head of an administration should be changed while a plebiscite was being held. He went on to compare the situation with that which will exist in this great country a few months hence when the head of the executive department of the United States Government will be elected. He said that it is as reasonable to ask that there shall be an impartial administrator at the head of the administration in Kashmir for the purpose of the plebiscite as it would be to require that, before the presidential election is held, Mr. Truman should stand aside himself lest the administration should influence the election.

However, he then forgot, apart from the factors that distinguish Kashmir from the United States and which are perfectly obvious, that Mr. Truman is himself the representative of the people of his country, freely chosen and elected by the people and a man in whom they place complete trust. There are

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numerous other distinctions in this situation, but to cite this instance is to beg the whole question.

The whole question in Kashmir is whether Sheikh Abdullah, or any other person who might be handpicked by the Maharaja or by the Government of India and who is not acceptable to the people who are fighting that very Maharaja and that very Government of India, should be in charge of the administration when the question in dispute is to be decided by means of an election. For the Government of India to argue or to pretend that under those circumstances a free plebiscite could be held might succeed in impressing people who have not had the experience the representatives on the Security Council, who are of various walks of life, have had. But it certainly could not succeed in persuading people who had a fraction of the experience that the representatives on the Security Council have in these matters.

As a matter of fact, when the objection was raised on behalf of Pakistan that, under the present authorities in Kashmir, there could be no hope of a fair plebiscite, what was the reply on behalf of the Government of India? Was the reply that there is a fundamental constitutional problem involved? Was the reply that the sovereignty of the Maharaja would not permit that arrangement to be questioned? No, the reply was—and it implicitly admitted the validity and the strength of the objection —that the plebiscite cannot, as suggested by the representative of Pakistan, be held under the authority of the two Governors-General, as the constitutional position of the Governors-General stands in the way. But in order to meet the objection of the representative of Pakistan, let the plebiscite be held under the authority of the United Nations. It was admitted that a free plebiscite could not be held or hoped for under the authorities then in power in Kashmir, and today we are told it cannot be held under any other arrangement.

It is then incidentaly suggested that the present administration in Kashmir has the support of the people of Kashmir. However, if that were so, there would be no question and no problem to solve. It is just because a considerable section of the people of Kashmir are fighting for the right to set up their

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own administration that the whole matter had to be brought before the Security Council.

I did not quite follow the representative of India when he mentioned the name of the person who has been appointed Prime Minister by the Maharaja since the discussion of this question was adjourned by the Security Council. From the newspapers one is given to understand that this person is none other than Sheikh Abdullah, who was a member of the Indian delegation in the earlier stages of the discussion before the Security Council. Again, that was one of the main questions in dispute between the parties. The contribution that the Government of India has made, during the interval, toward the solution of these difficult questions, is that it has procured the appointment of Sheikh Abdullah as Prime Minister, so that it should be able to confront the Security Council with another *fait accompli*. Sheikh Abdullah is Prime Minister; he has been appointed.

We are informed that this Prime Minister is now engaged in preparing a list of persons to be presented to the Maharaja for appointment as ministers. We are further informed that this Government will, as far as possible, act as a responsible government. Responsible to whom? Responsible in what sense? But that is neither here nor there.

The representative of India started his submission to the Security Council by stating that the first question in dispute before the Security Council was the setting up of an impartial administration. In the course of dealing with that question, he informed the Security Council that the Maharaja has taken one step to solve that problem, at any rate. He has appointed Sheikh Abdullah as Prime Minister and will now proceed to appoint ministers on Sheikh Abdullah's advice.

At the 26th meeting, the representative of India made a grievance of the fact that when, on 18 February [*250th meeting*], I drew the attention of the Security Council to the fact that the Government of India had declined to accept the request of the Indian delegation to postpone the holding of the plebiscite in Junagadh, I had not then proceeded to put it in the form of a complaint. I do now proceed to make a formal complaint

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—if a complaint is necessary to make a grievance of the fact—and, as that seems to carry some weight with the representative of India, the complaint is that the Government of India and the Maharaja should in this interim have acted in this manner and taken a step which, far from contributing towards a solution of these difficult problems, makes that solution much more difficult.

The representative of India stated that, so far as the question of the military forces is concerned, they are there for the purpose of the defence of Kashmir and for the purpose of coming to the aid of the civil power for the maintenance of law and order. If my memory serves me rightly, these are the exact words that the representative of India used on a previous occasion [*242nd meeting*] with regard to the purpose of the armed forces of the Government of India in Kashmir. I am making no grievance of the fact that the representative of India should repeat himself, but I do wish to draw the attention of the Security Council to the fact that the position with regard to every one of these matters that has been disclosed today on behalf of the Government of India is exactly the same as the position held by the Indian delegation when it departed for consultations with its Government, although, as I have said, the representative of India declared toward the close of his statement that the Indian delegation would be prepared to accept any reasonable arrangement proposed to ensure that the troops shall not interfere with the free exercise of the vote.

In the first place, may I venture to ask what will be the authority for imposing any such arrangement upon the Maharaja? How will that square with the sovereignty of the Maharaja in the matter? How will that get over the fundamental constitutional problem?

Secondly, if in spite of measures taken to prevent the armed forces from interfering in any manner, interference does take place, what will be the remedy?

Thirdly, will these assurances be enough to satisfy those who are fighting in Kashmir that they should lay down their arms? After all, that is the immediate problem to be resolved.

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The representative of India quoted the President in this connexion. If my memory serves me rightly, I believe the President [*speaking as the representative of China*] did express himself [*243rd meeting*] in the sense that the best way of putting an end to the fighting is to assure the people who are fighting that that for which they are fighting may be achieved without further fighting, and therefore they need not continue their military struggle. That is the crux of the matter.

Let us say that a proclamation is made to these people to the effect that if they will lay down their arms, and if the whole of Kashmir can thereupon be occupied by the military forces of the Government of India, then under the Premiership of Sheikh Abdullah, whom they have been fighting, and under a Ministry composed of the people chosen by him, a plebiscite will be arranged with regard to which assurances will be given, under any reasonable scheme that may be put forward, that the military and other machinery of the Government will not exercise any pressure or coercion. Does any representative on the Security Council suppose that a proclamation that kind will persuade these people to lay down their arms? And, if it does not, what would be achieved by any such—whatever you may call it—settlement, arrangement or plebiscite?

Let me put it another way. If a plebiscite were held under conditions which were in fact impartial—conditions in which, in the eyes of everyone, a free plebiscite would be fully ensured—and if under those conditions the plebiscite disclosed a majority in favour of accession to India, however much Pakistan might dislike the result, that would be a solution of the question. The people would have decided and that decision must be accepted.

Now look at it the other way. If a plebiscite is held under the conditions proposed by the representative of India, and the result discloses the majority to be in favour of accession to India is anyone likely to accept that as a fair and just decision? Will that settle the matter?

The representative of India has stated, "We shall ensure that no interference takes place." I wish to put one illustration to him, an illustration with which I am sure he must be familiar. If he is not familiar with it, at least many people in India are.

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The Prime Minister sends for the heads of the district administration in Kashmir. He sends for them for the purpose of a perfectly innocent conference to be held in the evening. He asks them for dinner and he states to them across his hospitable table: "This plebiscite is going to be held now and arrangements are being made. You are aware of how keen I am that we should accede to India; I am honestly convinced that that is the course for us to adopt. I rely upon you gentlemen to ensure that in your respective areas people shall vote in favour of accession to India." These people return to their areas and they send for their subordinate officers in the district—the revenue men, the policemen—those who work in the rural areas among the people and whose authority the people recognize and are in the habit of obeying. These petty officials are told what to do. They go back to the rural areas where they work and get in touch with the head men of the villages and other leading people and explain to them that it is desired that they vote in favour of accession to India. This explanation is emphasized by the statement that Sheikh Abdullah is Prime Minister; the people have got to live under his administration and they can imagine what might happen to them if they do not obey his directions.

How is the representative of India going to ensure that this kind of thing will not happen? We know for a fact that even in British India, where conditions have always been comparatively very much better in these respects than they possibly can be in Kashmir, that kind of practice has been extensively resorted to in connexion with elections. This has been officially established by the findings of election commissions appointed subsequent to elections in order to resolve doubts concerning the validity of particular elections.

How is the representative of India going to ensure that this type of practice will not happen? And if it does happen, who is going to pretend that the plebiscite is free?

There is another question that arises. Between the cessation of fighting, or the restoration of order, and the holding of the plebiscite, leaders of different political parties and people interested in this question presumably will be, and indeed must

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be, at liberty to go lawfully about to try to persuade the electorate to cast their votes for one side or the other. If Sheikh Abdullah and his colleagues, who are at the head of the administration, go about disseminating propaganda in favour of accession to India, and the other side attempts to go about disseminating propaganda the other way, will the scales be even? Does not our experience in India show that on the eve of elections even under a reasonably fair administration, numerous cases have occurred where election agents, canvassers or inspectors on one side were proceeded against with trumped-up charges of this, that, or the other thing; or in any case, that it was made extremely difficult, if not impossible, for people in certain areas to carry on their propaganda? Those who were on the side that had the support of the official machinery were able to go to extraordinary lengths in trying to secure support at an election. These are facts; these are within our knowledge. We know that this kind of thing happens. What has to be ensured is that will not happen in Kashmir, and that everybody here can be content that the plebiscite was free and without interference.

I shall conclude with this final observation: In the conditions that we have submitted, which are essential for the holding of a free plebiscite, and which—I venture to submit that the discussion hitherto has disclosed—find favour with the majority of the Security Council, is there any condition to which even a suspicion might attach that the acceptance of that condition will in any way put pressure upon any portion of the electorate to vote in favour of Pakistan? If that is so, we shall give up that condition.

In the conditions insisted upon by the representative of India, there is clear evidence and well-founded apprehension that they will in themselves amount to pressure and coercion upon the people to vote on the other side. That is the whole crux of the matter.

I am grieved by the fact that the submissions made this afternoon by the representative of India do not carry the matter any further than the stage that it had reached when the Security Council adjourned the discussion. Though the representative of India has made his submissions in softer, more diplomatic

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language this afternoon than he had previously employed, the softness amounts to no more than an invitation to those who are fighting in Kashmir, and to others who are interested in this matter, to enter the spider's parlor.

The President: I propose that we defer this discussion until next Tuesday afternoon, 16 March. In the meantime I shall undertake to get in touch with the two parties to explore terms of settlement which will seem fair to the members of the Security Council.

In this difficult work I certainly hope that the Security Council will authorize me to utilize the services of other members of the Security Council.

104. Text of the Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting No. 269 held on 18 March 1948

On 11 March, the day after the Security Council discussed this matter on the last occasion [*266th meeting*], the President was pleased to send for me to seek my reactions to one or two suggestions that he mentioned, and I submitted my reactions to him. A week later—that is to say, today—the President was pleased to send for me again, and I presented myself before him as desired at 12.15 p.m. He then told me that this draft resolution was being typed but was not quite ready and that within a few minutes he and I should both have the typed text. When it became available about a quarter of an hour later, the President helped me to study it, and he was kind enough to explain some of its provisions to me. As he very kindly and very hospitably suggested, when he asked me to visit him, that I should accompany him to Lake Success and have lunch with him, I have had no opportunity to discuss the terms of this draft resolution with the members of my delegation, and obviously, of course, there has not been time to obtain any reactions from my Government. Between the time that I waited for the President at his office and the opening of the meeting here, I have been at his service. I might even submit that I have not yet had the opportunity of very thoroughly studying the terms of the draft resolution myself.

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I do not know how long a time the Indian delegation has had to consider the draft resolution, but I did submit to the President that perhaps he might find it convenient—it would certainly be more convenient for me—if I were called upon to make my submission to the Security Council on this draft resolution after the Indian delegation had spoken, but the President expressed his preference that I should speak first and, as I have explained, I therefore proceed to do so.

My very first reaction to the draft resolution is one of bewilderment that I should so utterly and singularly have failed to convey and interpret to the Security Council the point of view of my Government on this matter as to leave the President under the impression that a scheme of settlement of the kind that is embodied in this draft resolution is likely to meet with my Government's approval. But I have, as I have said, no authority at the moment to speak on behalf of my Government.

I shall submit the draft resolution to them and ask that their reactions be transmitted to me at the earliest possible moment so that I can submit them to the Security Council. But as I have already stated, on the basis of the instructions I have received and on the views of my Government with which I am familiar, I shall be very much surprised if their reactions are any different, or at least materially different, from what I have already led the Security Council to believe they would be.

It strikes me as a curious thing that, when there was brought to my notice a message that was sent out from New York by Reuters on either 7 or 8 March and that was printed in *The Statesman* of New Delhi on 8 March, I should have dismissed it merely as press speculation. As I said, it is curious, because, though the draft resolution is a great deal more detailed than the press message, to a certain extent it follows the ideas outlined in that press message. Far be it from me to suggest that there is any connexion between the two, but it does instill one with greater respect for press speculations than one has had hitherto.

As the President and the Security Council are aware, the two main matters upon which debate has so far centered, because they bear directly upon the question of a free plebiscite, are, first, the withdrawal of all outsiders, including people who

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have been described as raiders and intruders and also the armed forces of the Government of India; and second, the setting up of an impartial administration so that the proposed plebiscite should, in the terms that the President has just employed, not only be manifestly free and fair but should also appear to be so.

Keeping that in mind as the main proposition, it is not necessary for me to say much, even on my own personal reactions, to part A, paragraph 1 of the articles of settlement as set out in the draft resolution. I might, however, submit the general observation which I have already intimated to the Security Council—and which I believe I have repeated—that once the essentials of a fair settlement are agreed upon between the parties or are laid down in a manner that would make them obligatory upon the parties, the Government of Pakistan will bind itself to do its utmost in every possible way to achieve the objective of the restoration of peace and order, even unto the taking of joint military action with the Dominion of India if, unfortunately, such action should become necessary.

It is therefore not necessary to make any further observation on part A, paragraph 1.

Part A, paragraph 2, sub-paragraph (b) contemplates stationing the remainder of the armed forces of the Government of India at such points in Jammu and Kashmir State as not to afford any intimidation or appearance of intimidation of the inhabitants of the State. The Security Council is aware that troops have been fighting a section of the people of the State; that, though the Government of India has categorically denied it, there have been allegations throughout of atrocities committed by these troops on the people of the State. The latest report on that is the statement attributed to Chaudhry Ghulam Abbas, President of the Muslim Conference, who has recently been released from prison. On 10 March 1948, the *Sind Observer*, a Hindu newspaper, stated the following:

> "He spoke of the inhuman reign of terror let loose by the Indian Dominion forces who were indulging in...rape, arson, and loot on a scale far bigger than ever attempted by the triblas in Kashmir. 'I challenge Pandit Nehru,' he said, 'to appoint an impartial commission to investigate

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the misdeeds of his troops. I will prove it to the hilt that the people of Kashmir have been the worst sufferers at their hands.' "

To suggest that such numbers of these troops as may be determined to be necessary by the Indian Government should still be stationed within the Kashmir and Jammu territory for purposes of defence and security, and to expect that there will not be further incidents or adverse reactions, or that will establish a fair and free field for a plebiscite, is to expect the impossible. But even more important in this connexion is the undertaking of the Government of India, to which I have already had occasion to draw attention, that their troops are in Kashmir for the sole purpose of repelling the raiders and that once that object has been attained and law and order have been restored, those troops will not be kept in Kashmir a moment longer.

It would perhaps be worthwhile to draw attention again to that undertaking. It is contained in a telegram of 8 November 1947 from the Prime Minister of India to the Prime Minister of Pakistan. The relevant portion of that telegram reads as follows:

"Lord Mountbatten, on his return from Lahore, gave me a full account of his talk with Mr. Jinnah, in particular, of two important suggestions which had been discussed, namely: one, the withdrawal of Indian Dominion troops and tribesmen from Kashmir, and two, the holding of a plebiscite at the earliest possible date.

"As regards the first proposal, Lord Mountbatten told me that Mr. Jinnah desired that withdrawal of the Indian Dominion troops and tribesmen should be simultaneous, but that he, Lord Mountbatten, had pointed out that it was clearly impossible for the Indian troops to withdraw from Kashmir Valley until the raiders had left Kashmir soil and law and order had been restored in Kashmir. Lord Mountbatten had also made it quite clear to Mr. Jinnah that the Government of India had no desire to retain troops in Kashmir for a moment longer than was necessary.

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"As regards the second point, Lord Mountbatten reports that Mr. Jinnah had expressed the view that there was no hope of a fair plebiscite under the present Kashmir authorities. To meet this point, Lord Mountbatten had suggested that it should be conducted under the auspices of the United Nations. Mr. Jinnah had put forward the counter-proposal that the two Governors-General should be given plenary powers to settle the matter. Lord Mountbatten had pointed out that it would be constitutionally improper for him to undertake this duty."

Lord Mountbatten had reference there to his position as Governor-General.

At a later point, the telegram reads:

"As regards your proposals one and two, armed raiders have entered Kashmir to the accompaniment of massacre, arson and loot. Our troops have been sent there to drive out these raiders and protect Kashmir. So long as these raiders remain there and law and other have not been established, our troops must discharge their duty. Afterwards, they will be withdrawn, as I have already undertaken."

A subsequent paragraph of the telegram states:

"It will thus be seen that our proposals, which we have repeatedly stated, are:

"1. That the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir;

"2. That the Government of India should repeat their declaration that they will withdraw their troops from Kashmir as soon as raiders have withdrawn and law and order are restored; and

"3. That the Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date."

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I venture respectfully to submit that the Government of India clearly and repeatedly, even in the course of this single document, undertook to withdraw its troops on the restoration of law and order, that is to say, before the plebiscite could be held. The whole controversy was whether the withdrawal should be simultaneous with the withdrawal of the tribesmen or should await the restoration of law and order. There was no question at that time of the plebiscite's being taken while the State was occupied, although only at strategic points, by Indian troops.

I beg to submit that part A, paragraph 2, sub-paragraph (*b*) of the draft resolution clearly contravenes that undertaking. When I say that, I am not unmindful of the fact that since that time the Government of India, through its representatives here, has not adhered to that position. However, I do wish to stress the fact that that undertaking was given by the Government of India.

With regard to the plebiscite, it is not necessary for me to enter into any discussion of the paragraphs of the draft resolution which attempt to deal with that subject. The President has drawn attention to two or three items which, in his opinion, constitute a safeguard. Perhaps, to some extent, they do constitute such a safeguard, but they do not go far enough to establish those conditions which are absolutely essential before a plebiscite that could be regarded as fair can be held. For instance, the President has drawn pointed attention to part B, paragraph 9 of the draft resolution, which reads:

> "The Commission of the Security Council...shall at the end of the plebiscite certify to the Council whether the plebiscite has been really free and impartial."

It is true that to some extent, and perhaps to a large extent, that would ensure that no pressure or coercion would be applied which would be of a physical and visible nature and which could easily be assessed and could come to the notice of the Commission or its observers. On the last occasion on which I addressed the Security Council [*266th meeting*], I drew attention to the normal kind of pressure which

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may be resorted to on such occasions, and often is resorted to, by people who are in authority in a given administration. How is the Commission going to ensure the elimination of that kind of pressure, and what means will it have to assess whether such pressure has or has not been exercised? Assuming that some evidence of such pressure were to come to the notice of the Commission, on what basis would the Security Council judge whether the plebiscite had or had not been fair or impartial? And if, unfortunately, there should be two views on that matter in the Commission, how far would that help to correct any pressure which might in fact have been exercised?

It has been suggested that another safeguard is contained in part C, paragraph 10 of the resolution, which reads:

> "The Government of India undertakes to use its best endeavours to ensure that in the composition of the Interim Government of Jammu and Kashmir provision is made for adequate representation of all major political groups in the State."

The Security Council is aware that Sheikh Abdullah now happens to be the Prime Minister of Kashmir. Sheikh Abdullah's own declarations and speeches were brought to the notice of the Security Council in order to show to what extent he could be regarded as impartial and what degree of impartiality he would exercise in his position.

But Sheikh Abdullah himself spoke before the Security Council [*241st meeting*] and gave the representatives an opportunity of judging his impartiality from his own declarations. Since his return to India, he has made some further declarations one or two of which I shall venture to draw to the attention of the Security Council.

On 9 March, Sheikh Abdullah delivered a speech at Gurdaspur, in the course of which he said:

> "We must bind ourselves"—meaning Kashmir and India—"by chains which can never be broken. I believe that every inch of Kashmir belongs to India and every inch of India to the Kashmiris. Jawaharlal's Kashmir will never be separated

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from Jawaharlal's India. Our answer to the question whether Kashmir will choose ultimately to stay in India is being given daily by Kashmiris with their blood."

On 16 March, at Jammu, Sheikh Abdullah said:

"We shall prefer death rather than join Pakistan. We shall have nothing to do with such a country."

The grievance is not that a person belonging to Kashmir, particularly a political leader, should express himself in favour of accession with one Dominion or the other. Everybody is free to hold what views he may choose to entertain on a question which is in controversy, but that the Prime Minister of a State, the question of whose accession is in dispute and has to be settled by means of a plebiscite, should express himself in that manner and that, nevertheless, hopes should be entertained that under his administration, merely by means of certain safeguards, it would be possible to hold a fair plebiscite, is, to say the very least, most surprising.

On the question of accession, I have given enough information to the Security Council with regard to the attitude of Sheikh Abdullah. In the course of a press conference in Delhi on 6 March, Sheikh Abdullah said that the people of Kashmir had finally decided to work with India and to die with India.

But let us see what his attitude is with regard to two other matters that are mentioned in the draft resolution: first the representation in the Interim Government of various groups, and secondly, the release of political prisoners, giving liberty to everybody to express his views. A report in the *Hindustan Times* of New Delhi of 7 March quotes Sheikh Abdullah as follows:

"In his (Sheikh Abdullah's) Cabinet, too, he proposed to include people of all parties and communities, but they would be chosen according to only one criterion, their loyalty to the National Conference and their country."

This is a strange declaration. He is prepared to include, in his Government, representatives of all political parties and

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groups, provided these representatives satisfy one criterion, their loyalty to his political party. The press report goes on to say:

> "In answer to a question about the release of a Kashmir Muslim Conference leader, Sheikh Abdullah explained that there was no question of releasing all Muslim Conference workers. Those who were likely to act as the fifth columnists of a foreign State would remain in jail, but if his Government was satisfied that any one of them would remain loyal to his own country, he would be let out."

Now what does the expression "fifth columnists of a foreign State" mean in this context? Obviously not fifth columnists of India, because Sheikh Abdullah has declared he would live with India, work with India and die with India. The expression "fifth columnists of a foreign State" obviously means people who favour accession to Pakistan, on which question Sheikh Abdullah expressed himself here before the Security Council in certain terms which I need not repeat, and on which he has already expressed himself sufficiently in the press.

This is the manner in which the safeguards embodied in this draft resolution will be carried out by the administration of Kashmir, because at the head of the administration is Sheikh Abdullah, and he has already furnished the Security Council with his interpretation of such safeguards.

The President was pleased to draw attention, further, to the proposal contained in paragraph 11 of the draft resolution, which he presented on behalf of the delegation of China, that the Government of India would agree "to appoint an official of high standing to be stationed in the State during the interim period, who shall have the power to cause to be fulfilled by the State Government all international obligations arising out of the present articles of settlement."

Assuming that this paragraph would be accepted by the Government of India in the sense in which it is intended to work—that is to say, as a safeguard—my first comment would be: what is in practice, then, the difference, if this is intended to work in that manner, between having an impartial head of

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the administration and having this arrangement; and if this proposal is not intended to work in that manner, and to that degree, then what is the safeguard?

As a matter of fact, the safeguard might work the other way around: the Commission would be dependent upon this officer for the carrying out by the State Government of its international obligations, and would very largely accept his interpretation of conditions and the advice that he might tender to the Government, so that instead of being a safeguard, it might in actual practice operate to the prejudice of Pakistan and in favour of the Dominion of India, the parties being at variance over this question with regard to almost everything and the situation being so very delicate.

It must be recognized that this question of a plebiscite is not a mere question of an election in a constituency which, at the worst, might influence the return to the legislature of a person belonging to one party or another. This is intended to settle for all time the question of the accession of the State to one Dominion or the other, and to set at rest not only this controversy, but all the other controversies which have either arisen from it or are likely to arise on account of this dispute. That being the case, the utmost care is necessary that the plebiscite should be held under fair and impartial conditions. I must earnestly submit to the Security Council that a plebiscite held under the authority of a Government which has a man like Sheikh Abdullah at its head, in a State occupied by the troops of one side, to say the very least is not likely to satisfy anybody that it was being held under fair and impartial conditions.

But there is more than that to this question. There is also the fact that, apart from any view that the Pakistan Government might take of the terms of this or of any other draft resolution, the resolution must bring about a settlement or recommend a settlement which shall appear so eminently fair and satisfactory to the *Azad* Kashmir Government that it shall put its faith in that resolution, the terms of the settlement and the machinery set up, and that it shall be prepared to lay down its arms and to give up the struggle upon which it entered some time in September of last year. If the resolution fails to achieve

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that object, then it will fail to achieve anything. I doubt very gravely whether the terms of this resolution could have that effect upon the *Azad* Kashmir Government.

In conclusion, I wish to refer to a matter of procedure, though I freely recognize that that is not my province but is the business of the Security Council itself. I would like some enlightenment on the following point: When the Kashmir matter was adjourned on 12 February 1948 [*246th meeting*], the Security Council had before it two draft resolutions: one resolution sponsored by the representative of Canada [*document S/667*], and the other by the representative of Colombia [*document S/671*]. We now have this third draft resolution which has today been put forward by the representative of China.

What exactly is the procedural position, so far as the Security Council sees it, with regard to the consideration of these draft resolutions? I do not propose—even merely personally, on my own behalf, and tentatively—to add to the observations that I have just now submitted.

105. Text of the Speech made by Mr. Gopalaswami Ayyangar (India) in the Security Council Meeting No. 269 held on 18 March 1948

I desire, in the first place, to invite the attention of the Security Council to the fact that the Indian delegation, equally with the delegation of Pakistan has not had the time necessary for a thorough study of the draft resolution which the President placed before the Security Council this afternoon.

The draft resolution tries to deal with the important matters at issue in this controversy, and these are of the greatest significance to us. Before we can formulate our final views on the contents of the draft resolution, it is necessary that we should have adequate time to study its terms, to digest all the implications of its different paragraphs, and to come a considered conclusion as to how far it can be acceptable to us.

I wish, at the outset, to express my deep sense of obligation and gratitude to the President of the Security Council for the great trouble he has taken to understand the respective points of view of the two delegations on this controversial matter, and

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to place before the Security Council a draft resolution which, in my opinion, attempts to in spite of any suggestions for modification that we may have to make at a later stage—a fair solution of the points in controversy.

That does not mean that we accept here and now all that is contained in this draft resolution. The President has himself described it as being very tentative. The President has asked his colleagues to take this draft as a basis of discussion and has expressed himself as being willing to welcome amendments, suggestions and modifications which could improve the draft resolution and the direction of making it acceptable to both parties.

That being the nature of the draft resolution that we have to consider today, I wish, at this time only to indicate my initial reactions to it.

The President is perfectly right in pointing out that in spite of the differences between the points of view of the two delegations on matters which have been in controversy, there has been, throughout, an undercurrent of feeling in what has been said on behalf of both delegations, that we should make every endeavour to arrive at an amicable settlement. I take it that the President's effort in this connexion is a *bona fide*, honest and—if I may say so—a fair attempt to solve this problem.

It has been a matter of some disappointment to me that this draft resolution has not received at the hands of the leader of the Pakistan delegation the appreciation that I had hoped it might receive. But I still entertain the hope that, after he has given its contents his full consideration, he will see more in it to accept and will be more able than he has been today to see eye to eye with the points of view that the President has tried to stress.

This draft resolution tackles the three essential points on which it had not been possible for both delegations to agree in the past. The first of these refers to the question of the withdrawal of the armed forces of India from the State; the second, to the suggestion for the setting up of an impartial, neutral government in the State, and the third, to the machinery that is to be employed for the conduct of the plebiscite.

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However, as a condition precedent to the consideration of what should be done for the taking of a plebiscite, it is necessary that the Security Council should recognize that the first thing to do is not to blind its eyes to the obvious fact that those who fight the Governments of Kashmir and India today have received assistance on Pakistan territory, both material and otherwise, which has enabled them to carry on this fighting up to the present moment. It is still going on; it will go on even in the future unless we take a decision here which will put an end to it.

That first fact has to be recognized, and before the Security Council does anything in the way of blessing agreements on the question of the plebiscite, it has become necessary to obtain from the Government of Pakistan an undertaking that it will do its utmost to prevent this assistance from being rendered on its territory to people who are invading and fighting in Kashmir.

So far as the plebiscite is concerned, I have mentioned to the representatives on the Security Council the three points on which there has been the greatest controversy.

In the matter of the withdrawal of troops from the State, I take it that the Security Council recognizes that even after fighting has stopped, and in order to secure that maintenance of law and order which is so necessary for the taking of a plebiscite under proper conditions, the presence of an army in the State is absolutely essential; and that army, in the circumstances that exist today, can only be the Indian Army.

The withdrawal of this Indian Army has been pressed in the debates on this question before the Security Council only for the purpose of ensuring that no coercion, no intimidation, and no undue pressure is exercised upon those who are to cast their votes at the time of the taking of the plebiscite.

This draft resolution, therefore, apparently proceeds on the premise that, while the Indian Army has to remain, every precaution should be taken and every safeguard given for the purpose of ensuring that that army will not exert any undue pressure on the voters. That, I take it, is the intention of the President in the particular suggestions which he has made in this draft resolution.

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The leader of the Pakistan delegation has not attacked the merits of the safeguards that are suggested for this purpose. He has gone back to the telegram of 8 November, from India to Pakistan, which has been read to the representatives on the Security Council a number of times already. It is true that the Prime Minister of India said that, after fighting stops and normal peace and order have been restored, the troops of India would be withdrawn.

But we have to take account also of what happened after 8 November. In a previous speech [*242nd meeting*] I drew attention to negotiations which took place between the two Dominions during which it was admitted and conceded that the Indian Army had to remain, but that conditions should be imposed which would confine it to certain places, and perhaps reduce its numbers, in order to see that what remains in the State is retained only for the purpose of discharging the constitutional obligations of the federal centre for the defence of a unit of the federation, and for going to the aid of the civil power when it was absolutely necessary that an army should intervene in putting down civil disorder.

That was more or less conceded. And why, is it that in the Security Council itself, on the occasions on which this particular aspect of the matter has been debated, suggestions have been made that some other kind of army might be stationed there—British forces, Commonwealth forces, an international force, or a sort of combined force consisting of both Indian and Pakistan units? All these suggestions are recognitions of the fact that an army has to remain because the State's integrity has to be protected and law and order have to be safeguarded, in the last resort with an army available whenever its assistance is necessary. That is the reason why the army should stay, and that army in the present constitutional position can be no other army than the Indian Army.

So far as the Indian delegation is concerned, I made its position perfectly clear the last time I spoke on this matter [*266th meeting*]; but I added that, if any member of the Security Council made any suggestions for the purpose of ensuring that this army shall not improperly interfere with the voting, we

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should be prepared to consider suggestions in that regard. Here I find, in this particular draft resolution, that a suggestion has been made that the Government of India should so arrange that such portion of the Army as has to be retained in this State should be stationed at such points as would not permit it to exercise any kind of intimidation or appearance of intimidation of the inhabitants of the State. I am prepared to give the assurance to the Security Council today that the Government of India, which without anybody's prompting, offered a plebiscite and offered subsequently also the conduct of a plebiscite under international auspices, and which is as interested as anybody else in ensuring that the vote cast at the time of the plebiscite is free and unfettered—that Government will take every step possible for ensuring that its Army which is stationed in Kashmir will not act in such a way as to negative this objective of its own Government.

Towards the end of his remarks, the representative of Pakistan drew attention to a speech which had been made by Chaudhry Ghulam Abbas, the leader of the Kashmir Muslim Conference, who was released from prison under the orders of Sheikh Abdullah's Emergency Administration. Chaudhry Ghulam Abbas is reported to have made a speech in which he charged the Indian troops in the State of Jammu and Kashmir with having been guilty of atrocities and unmentionable outrages. I think that, if he made such a statement, it was a calumny on a force which, by the accounts of all right-minded persons, has been praised for the way in which it has conducted itself towards the population of Jammu and Kashmir; particularly, it has been praised for the protection it has given to the Muslim population of the State.

I challenge any impartial inquiry in this matter. Chaudhry Ghulam Abbas is supposed to have challenged the Indian Prime Minister to order an inquiry into this matter by any authority which he might nominate for the purpose. I ask that the Commission which it is proposed to send to the State of Jammu and Kashmir should make the most thorough inquiries into this matter and report to the Security Council whether there is even an iota of justification for this calumny on a force

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which has not only won laurels in the field but has elicited approbation and praise as regards the manner in which it has dealt with the local civilian population in this State. I do not wish to say more on this question of the stationing of the Indian Army.

There is only one small matter which I would like to bring to the notice of the President in paragraph 2 of part A. Sub-paragraph (a) refers to the progressive withdrawal from Jammu and Kashmir of such of India's troops as are not required for the purpose of defence and security. I wish only to suggest that this particular sub-paragraph must be conditioned by one fact, namely that this question of the progressive withdrawal can arise only after fighting has stopped and hostilities have ceased in the State.

The Security Council listened to the terms of the telegram of 8 November which the representative of Pakistan quoted a little while ago. In the course of that telegram, reference was made to a suggestion made by the Governor General of Pakistan that the withdrawal of Pakistan and Indian troops should be simultaneous with the withdrawal of the raiders and invaders. Lord Mountbatten, the Governor General of India, very properly pointed out in answer to this suggestion that there could be no question of the Indian Army being asked to withdraw before the raiders had withdrawn and the fighting had stopped. That is a very necessary preliminary to the commencement of the withdrawal of such of our troops as may not be required for defence and security.

The whole argument of the impropriety of Indian troops remaining in Kashmir was based upon the statement of Chaudhry Ghulam Abbas. The fact that this statement appeared in a Hindu newspaper means nothing either way, because newspapers, whether they are Hindu or Muslim, have got to report speeches and press conferences. If that argument is based only upon that consideration, then I put it to the Security Council that it is based upon an allegation which I contend it would be impossible to prove as regards Indian troops in Jammu and Kashmir.

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We, as a Government responsible for the conduct of those troops, give the Security Council the assurance that not only has no such thing happened in the past, but that we shall see to it that no such thing takes place in the future.

In any case, if there is misbehaviour on the part of our troops, the Commission of Security Council will be there to bring it to the attention of the Security Council. It is the duty of the Commission to certify whether or not the plebiscite is conducted impartially. It will be open to that Commission to bring any acts of misbehaviour on the part of our troops to the notice of the Security Council at the time it has to judge the nature of the plebiscite that has been held.

In regard to the question of impartial administration, we have debated it so many times and in such fullness that it seems unnecessary for me to go into detail again on this matter.

After all, what is the ground for asking that, Sheikh Abdullah be ousted from his position in the present administration and for substituting in his place someone who is impartial, neutral, colourless and so on? Is not the main ground for making this demand the argument that otherwise the plebiscite that will be taken under the auspices of such a government could not be held to be impartial? On the last occasion that I spoke of this matter, I referred to the considerations that must be weighed in coming to a decision. I begged to the Security Council not to press on us this suggestion of pushing Sheikh Abdullah out of an office in which he, at present, has the support of what we hold to be the great majority of the people of the State, both Muslims and Hindus. On the same occasion I said that if the Security Council thought that his possible influence in connexion with the plebiscite should be reduced practically to nil, and if it had any suggestions to make for ensuring this, we should be quite prepared to consider such suggestions. I stated that, if any suggestions were made for ensuring that the administration of the plebiscite was placed in hands which could act independently, and which would act with authority derived from the Kashmir Government, we should, as a matter of course, be quite prepared to consider them.

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In the draft resolution placed before the Security Council by the President, the suggestion is made that the authority to conduct the plebiscite should be headed by a director with five assistants who will be the nominees of the Secretary-General of the United Nations, but who will be formally appointed by the Kashmir Government. They will frame the regulations for the conduct of the plebiscite and those regulations will be promulgated with binding force under the authority of the Kashmir Government. They will have the right to make reports to the Secretary-General direct.

In addition, I find that the draft resolution of the President contains the suggestion that the Government of India might place an officer of its own in the Jammu and Kashmir State, whose duty it will be to see that this authority receives all the help that is necessary for the purpose of conducting the plebiscite and to ensure its efficient administration so far as the conduct of the plebiscite is concerned.

This means that while Sheikh Abdullah will be Prime Minister in the Jammu and Kashmir State and will run the ordinary administration of the State, the organizing, conduct and completion of the plebiscite will be in the hands of men who are nominees of the Secretary-General of the United Nations.

That being so, is it necessary for the Security Council to commit an encroachment on the sovereignty of a State like Jammu and Kashmir, and oust the Government which is acceptable to the people of the State, in order merely to appear before the world as having set up an administration in which Sheikh Abdullah has absolutely no influence?

We are willing to eliminate the influence of the Administration in practically all respects in regard to the conduct of the plebiscite. That is about the utmost that I think the Security Council can afford to request in this respect.

It was suggested that the placing of this officer in the State by the Government of India for the purpose of seeing that the obligations created by these articles of settlement are properly implemented might even have the reverse effect, the argument being that the officer concerned might advise the Jammu and

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Kashmir Government to do something against the recommendations of the Commission. What would happen then would be that, if it were minded to do the wrong thing, the Government of Jammu and Kashmir would have the support of an officer of the Government of India against the Commission sent out by the Security Council. I think that this is a suggestion which, on behalf of the Government of India, I must repudiate with all my might.

As I have already said, the Government of India is as keen as anyone with regard to the impartiality of the plebiscite. It conceded the plebiscite on its own, and agreed that it should be taken under international auspices, so that it is only natural that it should agree to the further guarantee which the President of the Security Council has demanded—namely, that it should place an officer in the State with the duty of seeing that impartiality is ensured to the maximum possible extent.

After all, the President is right in demanding that responsibility for seeing that the plebiscite is held impartially should be shouldered by India, which is a Member of the United Nations, the more so since the Government which has to implement this particular obligation is not a Member and is certainly in a position to take and to act upon the advice which the Government of India might give.

I do not wish to take up very much more of the Security Council's time this afternoon. I shall consider it my duty to ask for the modification of certain of the details in this draft resolution, perhaps at a later stage, but I think that the President's object today is to obtain from me the opted reactions of my delegation to his proposals. On the main issues which arise for consideration I am prepared to concede at once that the proposals are worthy of serious consideration. While, as I have indicated, we may have something to say about details, about the manner in which certain clauses are worded, about the order in which some of them appear in the draft resolution, and about the contents of the preamble—which, to my mind, seem to admit of improvement—the attitude of the Government of India on the substance of what has been proposed, so far as I am able to interpret it to the Security Council, is such that it would be

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quite prepared to consider the draft resolution on its merits, and will have nothing very serious to propose by way of alteration or modification.

I say this fully recognizing the fact that the proposals mean further concessions from our side. I do not blind my eyes to that fact, but we are anxious that we should reach a settlement, and we are very keen that fighting in Jammu and Kashmir should cease at the earliest possible moment. If the substance of the draft resolution, clothed in language slightly more acceptable to us than it is now, will produce the effect which we have in mind, we shall be glad to welcome it after the modifications to which I have referred have been effected.

106. Text of the Speech made by Mr. Noel Baker (UK) in the Security Council Meeting No. 284 held on 17 April 1948

I wish to join with the President and the representatives of China, Canada and Belgium in recommending this draft resolution the favourable consideration of our esteemed and patient colleagues from India and Pakistan. I want to ask the representatives of those two States—as I also want to ask the Security Council—to consider the alternative before them, before their Governments and their peoples, if this effort fails.

This resolution, as the President has said, is the result of long debates and of much patient labour by the Security Council over many weeks. Its paragraphs or many of them, have their roots in our discussions in those dark January days when our work began. I believed then, as I believe now, that the Kashmir dispute is the greatest and the gravest single issue in international affairs.

The Security Council, and, with respect, the parties, can only judge this resolution against the background of what has happened in the last three months. When the Government of India brought its complaint before the Security Council both parties told us—told us with an urgency and conviction which we could not disregard—that their differences about Kashmir might lead them into war. Scores of witnesses of many nationalities told me that war at that time was very near.

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Those men who best knew India and Pakistan believed that if war had happened, it might have been as dangerous and destructive a conflict as any in the history of mankind. Only two months before, the Governments, by superb personal heroism, by statesmanlike co-operation of no ordinary kind, had brought the communal troubles in the Punjab to an end. But if war had happened, if the armies had been locked in battle at the front, who could have stopped the communal strife from breaking out again? There are nearly forty million Muslims in India, and many non-Muslims on the other side. If war had happened, tribesmen might have come down not in tens, but in hundreds of thousands. They might have been a mortal danger to both the Governments of India and Pakistan. A sub-continental war involving four hundred million people, a fifth of all mankind, would have been an immeasurable disaster to India, to Pakistan and to the world. And it might have happened. Indeed, in the view of men whom I judge much wiser and more experienced than myself, it would have happened but for the wisdom and the statesmanship which brought the matter before the Security Council. It was certain that when the first phase of our labour was ended, when the Indian delegation returned to Delhi to consult its Government, the risk of war, by general consent, had grown much less. Who can doubt that the discussions in the Security Council had played their part in that result?

Mr. Austin, in a penetrating review of the work of the United Nations in this month's issue of *United Nations World* has shown that the Security Council, and the other institutions to which it is linked, have had a record of achievement much greater than the defeatists think. But if the Security Council had done nothing else but help India and Pakistan to avoid a conflict, that alone would have earned it the gratitude of all mankind. That fact—that great improvement in the situation which resulted, at least in part, from the first phase of our labours of which we were barely conscious then—should be present in our minds as we near the conclusion of the second phase of our labours here today. It should be present in our minds because plainly it may bear on the value of the draft

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resolution, for which I hope we shall obtain the unanimous endorsement of the Security Council.

May I now, like the representative of China, speak briefly of the draft resolution and explain how my Government understands it. To my Government it is in no sense an award, a verdict, a judgment between the parties; it is a plan, a body of measures—which the Security Council, I hope, will propose to India and Pakistan this afternoon—designed to stop the present fighting in Kashmir and to provide machinery for the fair and impartial plebiscite on Kashmir's future, which both India and Pakistan desire.

The draft resolution was proposed by the six delegations whom the President, in his discretion, thought it useful to consult. That means that the draft resolution is a collective effort. That means that none of us, if he could have done it for himself, would have drawn it exactly as it stands. But we take individual and collective responsibility for the result because we think that these measures, if they are adopted, will give the best hope for a peaceful settlement of the dispute, and a settlement honourable to both India and Pakistan. We believe, moreover, that something along those lines would, in the light of the history of the dispute, have been proposed by almost any body of impartial men.

Of course, the whole plan depends upon co-operation between the Governments of the two parties, co-operation between those Governments and the Commission which the Security Council will send out. The draft resolution is a directive to that Commission. It can be altered, amplified and improved if the two Governments should so agree. I hope, therefore, that the representatives of India and Pakistan will not hastily reject this draft resolution.

May I draw attention, as the representative of China has done, to some of the main features which I hope the representatives of Pakistan and India will bear in mind.

First and foremost, the draft resolution declares that while the threat to peace, though it has been diminished, has not yet disappeared, there is still costly and disastrous fighting in Kashmir; there is still the risk that a wider conflict might occur.

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Something, some plan must, in the general interest, be adopted with a minimum of delay.

Secondly, as I have said, these measures depend on the co-operation of the parties to the dispute, and I add that without co-operation freely and generously accorded, not only this plan. but no plan can work.

Thirdly, the draft resolution imposes a heavy duty on Pakistan in helping to stop the fighting and to prevent it breaking out again. I believe this draft resolution should point the way to the Government of Pakistan towards fulfilment of this duty and, indeed, its fulfilment is surely, in the long run, in the highest and enduring interests of Pakistan itself. It must be Pakistan's overwhelming interest that the fighting shall cease; that the tribesmen shall go home; that the volunteers shall return from Kashmir to Pakistan and that, at last, argument and reason shall supersede disorder.

Fourthly, the Commission will be stronger, thanks to the President, than we first intended. Its link with the Security Council will be closer, and I hope it will be quickly at its work, for the part to be played by the Commission is essential to the plan.

Fifthly, and most important, the draft resolution faces boldly the main problems which our discussions have revealed. We all know what they are; we have debated them for months —the plebiscite, the occupation, the administration of the country until the plebiscite has been held.

In my Government's belief, the proposals for the plebiscite are bold and fair. The Secretary-General, as the representative of China has explained, will nominate a plebiscite administrator who, in the name of the Government of Kashmir—but with direct access to the Commission, and through the Commission to the Security Council—will organize and carry out this consultation with the people, which India and Pakistan desire. In the name of the State of Jammu and Kashmir, and with the assistance of Secretary-General, he will build up his own administration; he will draft the regulations under which the plebiscite will be conducted, and the Government of India will ensure that the State will give to his regulations the force of

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law, and that the State will delegate to him such powers as he in his discretion thinks he may require to make the plebiscite as fair and as impartial as it ought to be. And at any moment, if he thinks things are going wrong, he can report directly to the Commission, and through the Commission to the Security Council and to the Governments of Kashmir, of India and of Pakistan, and it will be his duty to report on any circumstance which, in his opinion, may interfere with the freedom of the vote.

It has been said that these arrangements, though admirable in themselves, may be frustrated by the troops which occupy the country or by the Government of the State which is in power. Let me speak of occupation. I ask anyone who takes that view to consider fairly the measures proposed regarding the occupation in paragraphs 2, 3, 4, 5 and 8. I find it difficult to believe that, taken together and supervised by the Commission and its observers, for which paragraph 17 provides, these measures will not remove the dangers of intimidation by armed forces in the State. Indeed, I believe that at one time we were near agreement between the parties on this question, and I hope that agreement may yet be obtained.

By far the hardest problem has been, and still remains, that of governing the country while the plebiscite is being prepared and carried through. Some people feel that whatever powers the plebiscite administrator may possess, the people who must vote might be influenced by the determined but hidden power of the Government then in office. Paragraph 6 contains the solution which we propose. I have no doubt that both India and Pakistan will raise objections to it. I have no doubt that if, in the end, they should adopt it, this most intractable of all our problems would be solved. Indeed, I go so far as to say this: that unless it can be solved on the basis of the formula which this paragraph contains, I doubt if any peaceful settlement can be obtained at all.

I know that some people think that these measures fall short of what the Security Council should require, that there are loopholes still for improper pressure, for undue influence on the people of Kashmir.

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I ask these people to consider the guarantees that lie behind these measures which we have proposed. There is the fundamental guarantee that protects the liberty of voting in every country where men are free. I mean the right of every political party to hold its meetings, to canvass, to move about, to conduct its electoral campaign as it desires. It is the right of every individual leader or follower of any part to take complaints to the plebiscite administrator or to the Commission. There are the members of the plebiscite administration, the observers whom the Commission will appoint—observers who will have the right to go wherever they will and to report to the Commission on any matter dealt with in this plan. There are the general guarantees for the rights of minorities which our paragraphs set up.

Lastly, it is the duty of the Commission to report on the plebiscite, to pronounce in jugdment whether, in its opinion, it has been just and fair. Who will face an adverse verdict of the Commission? I find it hard to think that, with these guarantees, the measures we have proposed will not succeed in guaranteeing full freedom and safety to all concerned.

I know that the Governments of India and Pakistan will have to study this plan as a whole, together with the practical details of its application. I hope they will not decide their action on too meticulous a survey of the paper details of what we here propose. In government, it is the spirit behind the paper, the will to make it work, that really counts. The Weimar Republic had the most perfect paper constitution in the world, built on the pure word of John Stuart Mill. Our House of Commons has no paper constitution at all. The Reichstag perished in Hitler's fire. Hitler's bombs destroyed our chamber but our House lives on.

I have explained how my Government views this draft resolution. May I now say why I hope its measures may find favour with both parties to the dispute, and may find it without prolonged delay. To begin with, the sands of time, in literal truth, are running out. Kashmir is a land of mountains. In October the snow begins to fall. If the plebiscite which both sides desire is to be held this year, the Commission and the

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administrator must be at work within a month. The alternative is a summer, perhaps another winter, of uncertainty, maybe of fighting, with all that would mean.

I think this draft resolution deserves success because the Security Council, if I may say so, has done an honest, a patient and a careful piece of work. It has been accused by reckless outsiders of favouring one side or the other of playing politics, of yielding to threats and blackmail. I am not always here among the representatives on the Security Council. I can look at the Security Council with a detached and impartial eye. I venture to say that all such suggestions as I have quoted are arrant nonsense. The Security Council has sought only to do right and justice, with equal friendship for the peoples and equal affection for the representatives of India and Pakistan, and I am encouraged to hope that this draft resolution will succeed by the very attitude which the parties have adopted from the start.

I said almost in the first words I used in January last [*229th meeting*] that I believed that in their heart of hearts both Governments desired to settle. I believe it even more today. Both Governments want a plebiscite in Kashmir; both want it to be fair.

Sir Zafrullah told us on 10 March 1948 [*266th meeting*] that if there were any condition in his proposals to which even a suspicion might attach that condition would put pressure on an elector to vote in favour of Pakistan, he would gladly give it up. On that same day the leader of the Indian delegation told us that his Government was as anxious as anyone could be that the plebiscite should be conducted in a perfectly free and unfettered manner. He told us that it wanted the conduct of the plebiscite to be fully independent; that it wanted the Kashmir voters to be free from every pressure, whether by the Government, by the army or by the police.

The Security Council accepts these assurances in the full good faith in which they are made. I say to Sir Zafrullah that unless I was honestly and wholeheartedly convinced that the measures in this resolution would result in an honest plebiscite and a fair and just result, I would never have spoken on it and

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I would never have commended it to his favourable consideration, as I have done today. I say to the leader of the Indian delegation that I am certain there is nothing in this draft resolution which the Indian Government could not safely and honourably accept.

What is the alternative to something like this resolution? Let us suppose that both sides reject it; no commission goes to India; no plebiscite is held. Is it not clear that the situation will not stay as it is today; that it will inevitably, perhaps immediately, grow worse; that forces may be unleashed which it may be very difficult or even impossible to control?

And what are the real interests involved in this dispute? The people of Kashmir are one per cent of the population of India and Pakistan. Their economic wealth may be .01 per cent. What both Governments want is that the people of Kashmir shall live in peace and freedom under the Government which they themselves choose. That is a common interest which surely far outweighs any conflicting interests which there may be.

On 10 March [*266th meeting*], the Indian representative told us in his brave and generous speech that he would come back fully equipped to participate in our debate with greater chances of achieving a result which would be satisfactory to both India and Pakistan. His words recall to me that noble declaration made by his Government on its Independence Day:

> "We have proclaimed that we as a nation and a people and co-operation among nations.... We stand for democracy. The method of democracy is to find peaceful solutions for all problems.... By violence and hatred no problem is solved."

The proclamation ended as follows:

> "...For though Pakistan may be separated from India by political boundaries, yet the essential spiritual unity of the country, like its geographic unity, cannot and should not be broken up. Any injury to one part of the country hurts the other parts."

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India and Pakistan have an over-riding common interest in settling this question and in settling it now. Kashmir has become the very pivot of their relations, on which all else turns. It is the crossroads at which the course of future history will be decided. The decision means everything to them. It means little less to Asia and the world.

The representative of India speaks for three hundred million people, people with vast resources and an ancient culture. The representative of Pakistan speaks for seventy million people, more than Hitler had when he launched his war. The influence of India and Pakistan as great nations in Asia, as great nations in the world, must be, is, and will be inevitably great. We know that both believe in peace, that both place their hopes in the United Nations. Their action now will have a worldwide and a permanent effect. A settlement would bring hope to every nation, would strengthen faith in international peace and friendship, would enhance the glory of both peoples as no victory of arms could ever do.

On Independence Day, the Prime Minister of India told his people that they were writing history anew. I came across a letter which he wrote to his little daughter on her thirteenth birthday. He said:

> "Ordinary people are not usually heroic, but a time comes when a whole people are filled with faith for a great cause and then even simple ordinary men and women become heroes, and history becomes stirring and epoch-making. Great leaders have something in them which inspires a whole people and makes them do great deeds."

That is supremely true of the world in which we live today.

On Monday last, speaking to my countrymen, Mrs. Roosevelt told us how we could win the great historic struggle for peace, happiness and freedom in which all nations are now engaged. Mrs. Roosevelt said:

> "It must be done by strong men and women, strong in their convictions and the love which casts out fear and makes men free. It must be done by strong nations whose ways

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are rooted in individual freedom and belief in justice and laws,... The great are humble and cannot be humiliated.... Pray God, we join together and invite all others to join us in creating a world where justice, truth and good faith rule."

That is the very spirit of the United Nations. May it, in this great matter, now prevail.

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